

EXHIBIT "5"

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19 REED, and COASTAL PROTECTION
RANGERS, INC.
20

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
corporation,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)
**PLAINTIFF COASTAL PROTECTION
RANGERS SUPPLEMENTAL
RESPONSES TO
INTERROGATORIES, SET ONE
PROPOUNDED BY DEFENDANT
BLAKE BLAKEMAN**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF COASTAL PROTECTION RANGERS SUPPLEMENTAL RESPONSES TO
INTERROGATORIES, SET ONE PROPOUNDED BY DEFENDANT BLAKE BLAKEMAN

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1
2 Plaintiffs,

3 v.

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

4 LUNADA BAY BOYS; THE
5 INDIVIDUAL MEMBERS OF THE
6 LUNADA BAY BOYS, including but
7 not limited to SANG LEE, BRANT
8 BLAKEMAN, ALAN JOHNSTON
9 AKA JALIAN JOHNSTON,
10 MICHAEL RAE PAPAYANS,
11 ANGELO FERRARA, FRANK
12 FERRARA, CHARLIE FERRARA,
13 and N. F.; CITY OF PALOS
14 VERDES ESTATES; CHIEF OF
15 POLICE JEFF KEPLEY, in his
16 representative capacity; and DOES
17 1-10,

18 Defendants.

19 PROPOUNDING PARTY: Defendant BRANT BLAKEMAN

20 RESPONDING PARTY: Plaintiff COASTAL PROTECTION
21 RANGERS

22 SET NO.: SUPPLEMENTAL

23 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
24 COASTAL PROTECTION RANGERS ("CPR" or "Responding Party") hereby
25 submits these objections and responses to Interrogatories, Set One,
26 propounded by Defendant BRANT BLAKEMAN ("Propounding Party").

27 **PRELIMINARY STATEMENT**

28 Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact,
or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not

1 completed its investigation of the facts relating to this case, its discovery or
2 its preparation for trial. All responses and objections contained herein are
3 based only upon information that is presently available to and specifically
4 known by Responding Party. It is anticipated that further discovery,
5 independent investigation, legal research and analysis will supply additional
6 facts and add meaning to known facts, as well as establish entirely new
7 factual conclusions and legal contentions, all of which may lead to
8 substantial additions to, changes in and variations from the responses set
9 forth herein. The following objections and responses are made without
10 prejudice to Responding Party's right to produce at trial, or otherwise,
11 evidence regarding any subsequently discovered information. Responding
12 Party accordingly reserves the right to modify and amend any and all
13 responses herein as research is completed and contentions are made.

14 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

15 **INTERROGATORY NO. 1:**

16 IDENTIFY ALL PERSONS that have knowledge of any facts that
17 support your contention that BRANT BLAKEMAN participated in any way in
18 the "commission of enumerated 'predicate crimes'" as alleged in paragraph
19 5 of the Complaint, and for each such PERSON identified state all facts you
20 contend are within that PERSON's knowledge.

21 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

22 Responding Party objects to this interrogatory as premature. Because
23 this interrogatory seeks or necessarily relies upon a contention, and
24 because this matter is in its early stages and pretrial discovery has only just
25 begun, Responding Party is unable to provide a complete response at this
26 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
27 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
28 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see

1 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
2 interrogatory need not be answered until designated discovery is complete,
3 or until a pretrial conference or some other time.”).

4 Responding Party further objects to this interrogatory as unduly
5 burdensome, harassing, and duplicative of information disclosed in
6 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
7 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
8 and supplemental disclosures for the information sought by this
9 interrogatory. Moreover, Responding Party had the opportunity to depose
10 CPR on this topic.

11 Responding Party further objects to this interrogatory as compound.
12 This “interrogatory” contains multiple impermissible subparts, which
13 Propounding Party has propounded to circumvent the numerical limitations
14 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

15 Responding Party further objects to this interrogatory on the grounds
16 that it seeks information that is outside of Responding Party’s knowledge.

17 Responding Party further objects to the extent that this interrogatory
18 invades attorney-client privilege and/or violates the work product doctrine by
19 compelling Responding Party to disclose privileged communications and/or
20 litigation strategy.

21 Subject to and without waiver of the foregoing objections, Responding
22 Party responds as follows:

23 In addition to each defendant named in his individual capacity and
24 other persons identified in Plaintiffs’ Initial and Supplemental Disclosures,
25 and the evidence submitted in support of Plaintiffs motion for class
26 certification, Responding Party identifies the following individuals:

27 CPR believes that Blakeman and other Bay Boys engaged in a
28 concerted effort to obstruct the plaintiffs’ and the publics free passage and

1 use in the customary manner of a public space. CPR also believes that
2 Blakeman coordinated with other Bay Boys to the plaintiffs and the public
3 when they were visiting Lunada Bay. CPR believes that the conduct directed
4 at the plaintiffs and others trying to surf Lunada Bay is part of an agreement
5 among Blakeman and the other Bay Boys, which at a minimum, may be
6 implied by the conduct of the parties and other members of the Bay Boys.
7 CPR believes that the Bay Boys concerted efforts to stop the public from
8 accessing the beach are documented in text messages and emails some of
9 which have been destroyed or are being withheld by the Defendants in this
10 case. For example, on February 5, 2016, Charles Mowat sent a text
11 message to Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
12 Patch, Defendant Michael Papayans and several others that said "There are
13 5 kooks standing on the bluff taking pictures...I think that same Taloa guy.
14 Things could get ugly." A Los Angeles Times photographer captured a
15 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
16 believe that the Bay Boys take photos and/or video tape people as a form of
17 harassment and intimidation. Plaintiffs are also informed and believe that a
18 Lunada Bay local named Joshua Bernstein was taking pictures at the MLK
19 2014 paddle out. Plaintiffs are also informed and believe that Bernstein told
20 several people after he photographed them "know we know who you are."

21 The specific acts directed against the individual plaintiffs include but
22 are not limited to the following:

23 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
24 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
25 They were told that they couldn't surf there, and Spencer was called a
26 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
27 you fucking go home, you fucking kook" and asked "how many other good
28 places did you pass to come here?" These are the same types of statements

1 made by Defendant Sang Lee and others that can be observed on the video
2 published by the Guardian.¹ These taunts started while Spencer and Taloa
3 were on the bluffs getting ready to surf. One individual continued to heckle
4 Spencer and Taloa on their way down to the beach and into the water.

5 Blakeman was already in the water and began paddling around
6 Spencer and Taloa in a tight circle – staying just a few feet away from them.
7 There was no legitimate reason for this conduct. CPR believes that this is a
8 tactic used by the Bay Boys to harass people.² Blakeman impeded
9 Spencer's movement in any direction and was intentionally blocking him
10 from catching any waves. It was clear to Spencer that Blakeman was not
11 there to surf that morning. Instead, his mission was to prevent Spencer and
12 Taloa from surfing and to keep them from enjoying their time in the water,
13 the open space, the waves, and nature. This the type of concerted effort was
14 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
15 people from surfing at Lunada Bay. In the approximately 90 minutes that
16 Spencer was in the water that day, Blakeman was focused on Spencer and
17 Taloa and continued to shadow their movements, and sit uncomfortably
18 close to them. Spencer had never experienced anything like that before in
19 his life. It was bizarre but also incredibly frightening and disturbing. It
20 appeared to Spencer that Blakeman was coordinating his actions with a
21 group of guys who were standing in the Rock Fort, along with others in the
22 water. They were all talking to each other and it was clear they all knew

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24 _____
25 ¹ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ² Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 each other.

2 At one point while Spencer was in the water and was paddling west
3 out to the ocean, he saw a man surfing, coming in east towards the shore.
4 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
5 of the fins on his surfboard sliced open his right wrist. Spencer has about a
6 half-inch scar from where this man ran him over. As soon as the Bay Boy
7 ran him over, he started berating Spencer, saying things like "what are you
8 fucking doing out here? I told you to go home. I should have run you over.
9 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
10 was pretending that he didn't see Spencer but it was obvious that he did and
11 intentionally ran him over. With over 30 years of surfing experience, Spencer
12 knew that this collision was intentional on his part. Fearful of being further
13 injured at that point, and not wanting to get into an argument with him,
14 Spencer just paddled away. Spencer and Taloa caught one more wave after
15 that and then decided it was getting too dangerous to surf. More men started
16 showing up at the Rock Fort and Spencer and Taloa were growing
17 increasingly fearful for their safety. Spencer was also bleeding and in pain.
18 These incidents are described in the declarations filed with Plaintiffs motion
19 for class certification and the deposition of Spencer.

20 CPR further identifies the following individuals as having knowledge of
21 concerted efforts by the Bay Boys, including Blakeman:

22 Christopher Taloa.³ As set forth above, Taloa and Spencer went
23 surfing at Lunada Bay and were harassed by Blakeman. Taloa witnessed
24 Blakeman shadowing Spencer's movement in the water. Blakeman was in
25 the water with four or five other Lunada Bay Locals. At one point, Blakeman
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28 ³ Mr. Taloa is represented by Hanson Bridgett LLP and Otten Law PC.

1 paddled toward Taloa, at which point Taloa told him that he was too close.
2 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
3 Taloa kept moving in the water, and Blakeman attempted to keep up with
4 him but was not in good enough shape to do so.

5 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
6 by Blakeman and other Lunada Bay locals on multiple occasions. On
7 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
8 Wright and harassed them. Blakeman was there filming the incident.⁴ On or
9 about February 12, 2016, The Los Angeles Times published an article called
10 "Bay Boys surfer gang cannot block access to upscale beach, Coastal
11 Commission says." Jordan Wright and Cory Spencer are quoted in the
12 article. Mr. Wright and a few others had planned to surf Lunada Bay the
13 following morning. Plaintiffs are informed and believe that Defendants
14 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
15 going to Lunada Bay and planned to be there to harass them. On February
16 12, 2016, Defendant Alan Johnston sent the following text messages to an
17 unknown recipient: "No fucking way Taloa is back this year" and "If u really
18 wanna be a bay boy we might meet help tomm." On February 13, 2016,
19 Reed and Wright returned to Lunada Bay. After Reed and Wright had
20 continued down the path, Blakeman and Defendant Alan Johnston rushed
21 into the Rock Fort where Reed was taking photos; the assault appeared to
22 be a coordinated and orchestrated and in retaliation for an article that
23 appeared in the Los Angeles Times. Blakeman was filming Reed and had
24

25 _____
26 ⁴ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 his camera close to her face. Reed asked why he was filming her, and
2 Blakeman responded, "Because I feel like it," and Johnston responded,
3 "Because you're hot." Charlie Ferrara was present during this incident, and
4 observed the entire thing. Although Ferrara apologized later for their
5 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
6 These incidents are described in the declarations filed with Plaintiffs motion
7 for class certification and the deposition of Reed. Plaintiffs are informed and
8 believe that after the incident Defendant Johnston started calling and/or
9 texting other Lunada Bay locals to check for police to plan a getaway. At
10 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
11 see any cops at the top." Plaintiffs are informed and believe that later that
12 day Johnston received a text from his mother asking him "What happened at
13 the bay?" Johnston replied "Nothing happened really just couple of trolls
14 they got nothing."

15 Jen Bell. The incident described above was witnessed by a woman
16 named Jen Bell who had gone to Lunada Bay that same day to photograph
17 a guy from Malibu. When she attempted sit down on the beach with her
18 pack, a man said: "You are practically sitting in a men's locker-room. You
19 don't make me feel comfortable". Bell continued to sit there for another 10
20 minutes because she refused to be intimidated but eventually decided to head
21 over to the fort because she saw another woman, Diana Reed, was taking
22 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
23 was obvious from the start that Johnston and Blakeman were there with the
24 intent to harass Reed. Johnston was making rude comments to both her and
25 Reed. Blakeman was putting the GoPro in their faces. Johnston was
26 chugging multiple beers and it was early in the morning. Johnston asked her
27 to help him with his wetsuit. He said "Can you help me with this?" and
28 handed her the leg of his wetsuit. Johnston made moaning sounds when

1 she took it like he was having an orgasm.

2 Jordan Wright.⁵ Wright attempted to surf Lunada Bay in January 2015
3 with Chris Claypool and Kenneth Claypool. He observed Blakeman
4 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
5 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
6 foot-high wave and was up riding for several seconds. Alan Johnston
7 paddled the wrong way on this wave, dropped in on him going the wrong
8 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
9 while going the wrong way violates normal surf etiquette. Johnston then
10 collided with Wright, and their leashes got tangled. After they surfaced from
11 the collision, Johnston then got close to Wright and yelled, "You had to
12 fucking take that wave, didn't you!" The next wave that came through then
13 broke Wright's leash plug and the board was carried into the rocks, which
14 destroyed a new surfboard. Wright had to swim in over rocks to get his
15 board and cut his hands on the rocks doing so. Wright is confident that
16 Johnston attempted to purposefully injure him. What he did was extremely
17 dangerous.

18 Wright has observed Blakeman on many occasions. Blakeman is easy
19 to identify because he rides a kneeboard and he is regularly filming visitors
20 on land with a camcorder. Wright believes his filming is an effort to intimidate
21 visitors. In the water, Wright has observed what appears to be Blakeman
22 directing other Bay Boys to sit close to visiting surfers. Wright has observed
23 Bay Boys who seem to be assigned to visiting surfers—they'll sit
24 too close to the visitors, impede their movements, block their surfing, kick at
25 them, splash water at them, and dangerously drop in on them. In addition to
26 _____

27 ⁵ Jordan Wright, Chris Claypool and Ken Claypool are represented by
28 Hanson Bridgett LLP and Otten Law PC.

1 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
2 Charlie Ferrara, and David Mello engage in this activity. These incidents are
3 described in the declarations filed with Plaintiffs motion for class certification.

4 Ken Claypool has been harassed and filmed by Blakeman in an
5 attempt to intimidate him at Lunada Bay on multiple occasions. In January
6 2015, Claypool and his brother Chris Claypool along with Jordan Wright
7 went to surf Lunada Bay. There were about five Lunada Bay locals in the
8 water, including Blakeman who paddled over and threatened them. Claypool
9 observed Blakeman intentionally dropped in on Wright at least twice.

10 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
11 and Jordan Wright. There was a photographer from the Los Angeles Times
12 that was there. Also in attendance was Cory Spencer and Diana Reed.
13 Spencer was there to watch the cars. Blakeman was there filming in an
14 effort to intimidate visitors. Blakeman can be seen in one of the pictures
15 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
16 are informed and believe that there was a text message sent that day to
17 Papayans, Michael Theil and 11 other people stating that there were 5
18 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
19 informed that the text states: "Things could get ugly. We all need to surf."
20 These incidents are described in the declarations filed with Plaintiffs motion
21 for class certification.

22 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
23 Lunada Bay in January 2015. There were about five locals in the water,
24 including Blakeman who paddled over and was yelling "Try and catch a
25 wave and see what happens. There is no fucking way you are getting a
26 wave. Just go in. Just go. You better not cut me off." Blakeman looked
27 possessed or possibly on drugs. His behavior got more bizarre throughout
28 the morning. He seemed to be paddling for every wave that he could

1 physically push himself into, perhaps to make a point, but he was wiping out
2 a lot and falling down the face and tumbling across the rock reef. Blakeman
3 looked dangerous to himself. When Blakeman would actually catch a wave
4 in, he would paddle back to where Claypool and his brother were sitting, and
5 continue his insane rant. On one occasion, Blakeman came less than 12
6 inches from Claypool's ear and was screaming. It was so loud, Claypool had
7 to put his fingers in his ear to protect them from being damaged. Claypool is
8 a sound engineer and to put this in perspective, a rock concert creates about
9 120 decibels of noise - this was louder; a jet engine creates about 150
10 decibels. At one point Blakeman caught a wave and drew a line aiming right
11 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
12 as he narrowly missed Claypool's head. Claypool watched as Blakeman
13 intentionally dropped in on Jordan at least twice. It seemed obvious to
14 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
15 them were having fun. Because of the danger, they decided to leave.

16 When Claypool and his brother got out of water, they saw people
17 gathering on top of the cliff. One person was videotaping them from the top
18 of the cliff; it was clear to Claypool that he was doing this to try and
19 intimidate them. The people were watching them from the cliff. It was
20 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
21 obstruct his free passage and use in the customary manner of a public
22 space. It also seemed clear that Blakeman engaged in a concerted effort
23 with other Bay Boys to try and injure him. These incidents are described in
24 the declarations filed with Plaintiffs motion for class certification.

25 Jason Gersch.⁶ While observing the surf, Gersch was approached by
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27 _____
28 ⁶ Jason Gersch is represented by Hanson Bridgett LLP and Otten Law PC.

1 two local Bay Boys named Peter McCollum and Brant Blakeman. These
2 individuals made it known to Gersch that he could not surf there. These
3 incidents are described in the declarations filed with Plaintiffs motion for
4 class certification.

5 Plaintiffs are informed and believe and on that basis allege that
6 Defendant Blakeman and his attorneys are attempting to intimidate
7 witnesses in this case. On at least two occasions, an investigator hired by
8 Blakeman's attorneys contacted witnesses they knew were represented by
9 Plaintiffs' attorneys. The investigator also showed up at the home of a
10 reporter that has not been listed as a witness.

11 The request is premature. Because Blakeman and the other
12 defendants are refusing to comply with their obligations to produce
13 documents under the federal rules and are impermissibly withholding
14 evidence and/or possibly spoliating evidence, we are not able to fully
15 respond to discovery requests which necessarily rely on our ability to fully
16 investigate the facts. As discovery is continuing, CPR reserves the right to
17 update this response.

18 **INTERROGATORY NO. 2:**

19 IDENTIFY ALL PERSONS that have knowledge of any facts that
20 support your contention in paragraph 7 of the Complaint that BRANT
21 BLAKEMAN "is responsible in some manner for the Bane Act violations and
22 public nuisance described in the Complaint" and for each such PERSON
23 identified state all facts you contend are within that PERSON's knowledge.

24 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

25 Responding Party objects to this interrogatory as premature. Because
26 this interrogatory seeks or necessarily relies upon a contention, and
27 because this matter is in its early stages and pretrial discovery has only just
28 begun, Responding Party is unable to provide a complete response at this

1 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
2 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
3 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
4 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
5 interrogatory need not be answered until designated discovery is complete,
6 or until a pretrial conference or some other time.”).

7 Responding Party further objects to this interrogatory as unduly
8 burdensome, harassing, and duplicative of information disclosed in
9 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
10 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
11 and supplemental disclosures for the information sought by this
12 interrogatory. Moreover, Responding Party had the opportunity to depose
13 Mr. CPR on this topic.

14 Responding Party further objects to this interrogatory as compound.
15 This “interrogatory” contains multiple impermissible subparts, which
16 Propounding Party has propounded to circumvent the numerical limitations
17 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

18 Responding Party further objects to this interrogatory on the grounds
19 that it seeks information that is outside of Responding Party’s knowledge.

20 Responding Party further objects to the extent that this interrogatory
21 invades attorney-client privilege and/or violates the work product doctrine by
22 compelling Responding Party to disclose privileged communications and/or
23 litigation strategy.

24 Subject to and without waiver of the foregoing objections, Responding
25 Party responds as follows:

26 In addition to each defendant named in his individual capacity and
27 other persons identified in Plaintiffs’ Initial and Supplemental Disclosures,
28 and the evidence submitted in support of Plaintiffs motion for class

1 certification, Responding Party identifies the following individuals:

2 CPR believes that Blakeman engaged in a concerted effort with other
3 Bay Boys to obstruct the plaintiffs' and the public's free passage and use in
4 the customary manner of a public space. CPR also believes that Blakeman
5 coordinated with other Bay Boys to the plaintiffs and the public when they
6 were visiting Lunada Bay. CPR believes that the conduct directed at the
7 plaintiffs and others trying to surf Lunada Bay is part of an agreement
8 among Blakeman and the other Bay Boys, which at a minimum, may be
9 implied by the conduct of the parties and other members of the Bay Boys.
10 CPR believes that the Bay Boys' concerted efforts to stop the public from
11 accessing the beach are documented in text messages and emails some of
12 which have been destroyed or are being withheld by the Defendants in this
13 case. For example, on February 5, 2016, Charles Mowat sent a text
14 message to Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
15 Patch, Defendant Michael Papayans and several others that said "There are
16 5 kooks standing on the bluff taking pictures...I think that same Taloa guy.
17 Things could get ugly. " I think he also tells someone to "get to the bay and
18 roast the kook." A Los Angeles Times photographer captured a picture of
19 Defendant Blakeman of the bluff filming plaintiffs.

20 The specific acts directed against the individual plaintiffs include but
21 are not limited to the following:

22 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
23 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
24 They were told that they couldn't surf there, and Spencer was called a
25 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
26 you fucking go home, you fucking kook" and asked "how many other good
27 places did you pass to come here?" These are the same types of statements
28 made by Defendant Sang Lee and others that can be observed on the video

1 published by the Guardian.⁷ These taunts started while Spencer and Taloa
2 were on the bluffs getting ready to surf. One individual continued to heckle
3 Spencer and Taloa on their way down to the beach and into the water.

4 Blakeman was already in the water and began paddling around
5 Spencer and Taloa in a tight circle – staying just a few feet away from them.
6 There was no legitimate reason for this conduct.⁸ CPR believes that this is a
7 tactic used by the Bay Boys to harass people. Blakeman impeded
8 Spencer's movement in any direction and was intentionally blocking him
9 from catching any waves. It was clear to Spencer that Blakeman was not
10 there to surf that morning. Instead, his mission was to prevent Spencer and
11 Taloa from surfing and to keep them from enjoying their time in the water,
12 the open space, the waves, and nature. This the type of concerted effort was
13 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
14 people from surfing at Lunada Bay. In the approximately 90 minutes that
15 Spencer was in the water that day, Blakeman was focused on Spencer and
16 Taloa and continued to shadow their movements, and sit uncomfortably
17 close to them. Spencer had never experienced anything like that before in
18 his life. It was bizarre but also incredibly frightening and disturbing. It
19 appeared to Spencer that Blakeman was coordinating his actions with a
20 group of guys who were standing in the Rock Fort, along with others in the
21 water. They were all talking to each other and it was clear they all knew
22 each other.

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24 _____
25 ⁷ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ⁸ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 At one point while Spencer was in the water and was paddling west
2 out to the ocean, he saw a man surfing, coming in east towards the shore.
3 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
4 of the fins on his surfboard sliced open his right wrist. Spencer has about a
5 half-inch scar from where this man ran him over. As soon as the Bay Boy
6 ran him over, he started berating Spencer, saying things like "what are you
7 fucking doing out here? I told you to go home. I should have run you over.
8 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
9 was pretending that he didn't see Spencer but it was obvious that he did and
10 intentionally ran him over. With over 30 years of surfing experience, Spencer
11 knew that this collision was intentional on his part. Fearful of being further
12 injured at that point, and not wanting to get into an argument with him,
13 Spencer just paddled away. Spencer and Taloa caught one more wave after
14 that and then decided it was getting too dangerous to surf. More men started
15 showing up at the Rock Fort and Spencer and Taloa were growing
16 increasingly fearful for their safety. Spencer was also bleeding and in pain.
17 These incidents are described in the declarations filed with Plaintiffs motion
18 for class certification and the deposition of Spencer.

19 CPR further identifies the following individuals as having knowledge of
20 concerted efforts by the Bay Boys, including Blakeman:

21 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
22 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
23 shadowing Spencer's movement in the water. Blakeman was in the water
24 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
25 toward Taloa, at which point Taloa told him that he was too close.
26 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
27 Taloa kept moving in the water, and Blakeman attempted to keep up with
28 him but was not in good enough shape to do so.

1 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
2 by Blakeman and other Lunada Bay locals on multiple occasions. On
3 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
4 Wright and harassed them. Blakeman was there filming the incident.⁹ On or
5 about February 12, 2016, The Los Angeles Times published an article called
6 "Bay Boys surfer gang cannot block access to upscale beach, Coastal
7 Commission says." Jordan Wright and Cory Spencer are quoted in the
8 article. Mr. Wright and a few others had planned to surf Lunada Bay the
9 following morning. Plaintiffs are informed and believe that Defendants
10 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
11 going to Lunada Bay and planned to be there to harass them. On February
12 12, 2016, Defendant Alan Johnston sent the following text messages to an
13 unknown recipient: "No fucking way Taloa is back this year" and "If u really
14 wanna be a bay boy we might meet help tomm." On February 13, 2016,
15 Reed and Wright returned to Lunada Bay. After Reed and Wright had
16 continued down the path, Blakeman and Defendant Alan Johnston rushed
17 into the Rock Fort where Reed was taking photos; the assault appeared to
18 be a coordinated and orchestrated and in retaliation for an article that
19 appeared in the Los Angeles Times. Blakeman was filming Reed and had
20 his camera close to her face. Reed asked why he was filming her, and
21 Blakeman responded, "Because I feel like it," and Johnston responded,
22 "Because you're hot." Charlie Ferrara was present during this incident, and
23 observed the entire thing. Although Ferrara apologized later for their
24

25
26 ⁹ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
2 These incidents are described in the declarations filed with Plaintiffs motion
3 for class certification and the deposition of Reed. Plaintiffs are informed and
4 believe that after the incident Defendant Johnston started calling and/or
5 texting other Lunada Bay locals to check for police to plan a getaway. At
6 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
7 see any cops at the top." Plaintiffs are informed and believe that later that
8 day Johnston received a text from his mother asking him "What happened at
9 the bay?" Johnston replied "Nothing happened really just couple of trolls
10 they got nothing."

11 Jen Bell. The incident described above was witnessed by a woman
12 named Jen Bell who had gone to Lunada Bay that same day to photograph
13 a guy from Malibu. When she attempted sit down on the beach with her
14 pack, a man said: "You are practically sitting in a men's locker-room. You
15 don't make me feel comfortable". Bell continued to sit there for another 10
16 mins because she refused to be intimidated but decided to head over to the
17 fort because she saw another woman, Diana Reed, was taking photos. Bell
18 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
19 from the start that Johnston and Blakeman were there with the intent to
20 harass Reed. Johnston was making rude comments to both her and Reed.
21 Blakeman was putting the GoPro in their faces. Johnston was chugging
22 multiple beers and it was early in the morning. Johnston asked her to help
23 him with his wetsuit. He said "Can you help me with this?" and handed her
24 the leg of his wetsuit. Johnston made moaning sounds when she took it like
25 he was having an orgasm.

26 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
27 with Chris Claypool and Kenneth Claypool. He observed Blakeman
28 harassing Chris and Ken. Wright was sitting on the outside waiting his turn

1 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
2 foot-high wave and was up riding for several seconds. Alan Johnston
3 paddled the wrong way on this wave, dropped in on him going the wrong
4 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
5 while going the wrong way violates normal surf etiquette. Johnston then
6 collided with Wright, and their leashes got tangled. After they surfaced from
7 the collision, Johnston then got close to Wright and yelled, "You had to
8 fucking take that wave, didn't you!" The next wave that came through then
9 broke Wright's leash plug and the board was carried into the rocks, which
10 destroyed a new surfboard. Wright had to swim in over rocks to get his
11 board and cut his hands on the rocks doing so. Wright is confident that
12 Johnston was attempting to purposefully injure him. What he did was
13 extremely dangerous.

14 Wright has observed Blakeman on many occasions. Blakeman is easy
15 to identify because he rides a kneeboard and he is regularly filming visitors
16 on land with a camcorder. Wright believes his filming is an effort to intimidate
17 visitors. In the water, Wright has observed what appears to be Blakeman
18 directing other Bay Boys to sit close to visiting surfers. Wright has observed
19 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
20 the visitors, impede their movements, block their surfing, kick at them,
21 splash water at them, and dangerously drop in on them. In addition to
22 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
23 Charlie Ferrara, and David Mello engage in this activity. These incidents are
24 described in the declarations filed with Plaintiff's motion for class certification.

25 Ken Claypool has been harassed and filmed by Blakeman in an
26 attempt to intimidate him at Lunada Bay on multiple occasions. In January
27 2015, Claypool and his brother Chris Claypool along with Jordan Wright
28 went to surf Lunada Bay. There were about five Lunada Bay locals in the

1 water, including Blakeman who paddled over and threatened them. Claypool
2 observed Blakeman intentionally dropped in on Wright at least twice.

3 On February 5, 2016 Claypool went to Lunada Bay with Chris Taloa
4 and Jordan Wright. There was a photographer from the Los Angeles Times
5 that was there. Also in attendance was Cory Spencer and Diana Reed.
6 Spencer was there to watch the cars. Blakeman was there filming in an
7 effort to intimidate visitors. Blakeman can be seen in one of the pictures
8 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
9 are informed and believe that there was a text message sent that day to
10 Papayans, Michael Theil and 11 other people stating that there were 5
11 kooks standing on the bluff taking pictures, including Taloa. The text states:
12 "Things could get ugly. We all need to surf." These incidents are described
13 in the declarations filed with Plaintiffs motion for class certification.

14 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
15 Lunada Bay in January 2015. There were about five locals in the water,
16 including Blakeman who paddled over and was yelling "Try and catch a
17 wave and see what happens. There is no fucking way you are getting a
18 wave. Just go in. Just go. You better not cut me off." Blakeman looked
19 possessed or possibly on drugs. His behavior got more bizarre throughout
20 the morning. He seemed to be paddling for every wave that he could
21 physically push himself into, perhaps to make a point, but he was wiping out
22 a lot and falling down the face and tumbling across the rock reef. Blakeman
23 looked dangerous to himself. When Blakeman would actually catch a wave
24 in, he would paddle back to where Claypool and his brother were sitting, and
25 continue his insane rant. On one occasion, Blakeman came less than 12
26 inches from Claypool's ear and was screaming. It was so loud, Claypool had
27 to put his fingers in his ear to protect them from being damaged. Claypool is
28 a sound engineer and to put this in perspective, a rock concert creates about

1 120 decibels of noise - this was louder; a jet engine creates about 150
2 decibels. At one point Blakeman caught a wave and drew a line aiming right
3 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
4 as he narrowly missed Claypool's head. Claypool watched as Blakeman
5 intentionally dropped in on Jordan at least twice. It seemed obvious to
6 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
7 them were having fun. Because this was getting dangerous, they decided to
8 leave.

9 When Claypool and his brother got out of water, they saw people
10 gathering on top of the cliff. One person was videotaping them from the top
11 of the cliff; it was clear to Claypool that he was doing this to try and
12 intimidate them. The people were watching them from the cliff. It was
13 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
14 obstruct his free passage and use in the customary manner of a public
15 space. It also seemed clear that Blakeman engaged in a concerted effort
16 with other Bay Boys to try and injure him. These incidents are described in
17 the declarations filed with Plaintiffs motion for class certification.

18 Jason Gersch. While observing the surf, Gersch was approached by
19 two local Bay Boys named Peter McCollum and Brant Blakeman. These
20 individuals made it known to Gersch that he could not surf there. These
21 incidents are described in the declarations filed with Plaintiffs motion for
22 class certification.

23 Plaintiffs are informed and believe and on that basis allege that
24 Defendant Blakeman and his attorneys are attempting to intimidate
25 witnesses in this case. On at least two occasions, an investigator hired by
26 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
27 attorneys. The investigator also showed up at the home of a reporter that
28 has not been listed as a witness.

1 The request is premature. Because Blakeman and the other
2 defendants are refusing to comply with their obligations to produce
3 documents under the federal rules and are impermissibly withholding
4 evidence and/or possibly spoliating evidence, we are not able to fully
5 respond to discovery requests which necessarily rely on our ability to fully
6 investigate the facts. As discovery is continuing, CPR reserves the right to
7 update this response.

8 **INTERROGATORY NO. 3:**

9 IDENTIFY ALL PERSONS that have knowledge of any facts that
10 support your contention in paragraph 18 of the Complaint that BRANT
11 BLAKEMAN “sell[s] market[s] and use[s] illegal controlled substances from
12 the Lunada Bay Bluffs and the Rock Fort” and for each such PERSON
13 identified state all facts you contend are within the PERSON’s knowledge.

14 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

15 Responding Party objects to this interrogatory as premature. Because
16 this interrogatory seeks or necessarily relies upon a contention, and
17 because this matter is in its early stages and pretrial discovery has only just
18 begun, Responding Party is unable to provide a complete response at this
19 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
20 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
21 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
22 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
23 interrogatory need not be answered until designated discovery is complete,
24 or until a pretrial conference or some other time.”).

25 Responding Party further objects to this interrogatory as unduly
26 burdensome, harassing, and duplicative of information disclosed in
27 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
28 Propounding Party may look to Responding Party’s Rule 26(a) disclosures

1 and supplemental disclosures for the information sought by this
2 interrogatory. Moreover, Responding Party had the opportunity to depose
3 CPR on this topic.

4 Responding Party further objects to this interrogatory as compound.
5 This “interrogatory” contains multiple impermissible subparts, which
6 Propounding Party has propounded to circumvent the numerical limitations
7 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

8 Responding Party further objects to this interrogatory on the grounds
9 that it seeks information that is outside of Responding Party's knowledge.

10 Responding Party further objects to the extent that this interrogatory
11 invades attorney-client privilege and/or violates the work product doctrine by
12 compelling Responding Party to disclose privileged communications and/or
13 litigation strategy.

14 Subject to and without waiver of the foregoing objections, Responding
15 Party responds as follows:

16 In addition to each defendant named in his individual capacity and
17 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
18 and the evidence submitted in support of Plaintiffs motion for class
19 certification, Responding Party identifies the following individuals: There is a
20 copy of a Group MMS included in Officer Report for Incident 16-02164. In
21 that report an individual who identifies himself as “the Weasel” makes a
22 statement about Blakeman and meth. The Weasel also states: “Ferrara
23 family is nothing put a bunch of drug addict losers. He’s main shaper and
24 good surfer kids are losers and his brothers kids are all losers One of the
25 Ferrara kids [sic] friends beat up a Persian liquor store guy... One time the
26 Ferrara kid talk shit to me one day I said I used to smoke crack with your
27 dad Angelo and dead uncle Sal I have all the dirt from 1979 up. The Weasel
28 then states; “Tell your bros to say even sells weed he lives on 10th Street in

1 San Pedro.” Plaintiffs are informed and believe that the word “even” is a typo
2 which is supposed to be Evan and referring to Bay Boy Evan Levy. Plaintiffs
3 are informed and believe and thereon allege that the Weasel might be an
4 individual named Glen Morris. (424) 263-5152.

5 The request is premature. Because Blakeman and the other
6 defendants are refusing to comply with their obligations to produce
7 documents under the federal rules and are impermissibly withholding
8 evidence and/or possibly spoliating evidence, we are not able to fully
9 respond to discovery requests which necessarily rely on our ability to fully
10 investigate the facts. As discovery is continuing, CPR reserves the right to
11 update this response.

12 **INTERROGATORY NO. 4:**

13 IDENTIFY ALL PERSONS that have knowledge of any facts that
14 support your contention in paragraph 18 of the Complaint that BRANT
15 BLAKEMAN “impede[d] boat traffic” at any time, and for each such PERSON
16 identified state all facts you contend are within that PERSON’s knowledge.

17 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

18 Responding Party objects to this interrogatory as premature. Because
19 this interrogatory seeks or necessarily relies upon a contention, and
20 because this matter is in its early stages and pretrial discovery has only just
21 begun, Responding Party is unable to provide a complete response at this
22 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
23 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
24 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
25 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
26 interrogatory need not be answered until designated discovery is complete,
27 or until a pretrial conference or some other time.”).

28 Responding Party further objects to this interrogatory as unduly

1 burdensome, harassing, and duplicative of information disclosed in
2 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
3 Propounding Party may look to Responding Party's Rule 26(a) disclosures
4 and supplemental disclosures for the information sought by this
5 interrogatory. Moreover, Responding Party had the opportunity to depose
6 Mr. Spencer on this topic.

7 Responding Party further objects to this interrogatory as compound.
8 This "interrogatory" contains multiple impermissible subparts, which
9 Propounding Party has propounded to circumvent the numerical limitations
10 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

11 Responding Party further objects to this interrogatory on the grounds
12 that it seeks information that is outside of Responding Party's knowledge.

13 Responding Party further objects to the extent that this interrogatory
14 invades attorney-client privilege and/or violates the work product doctrine by
15 compelling Responding Party to disclose privileged communications and/or
16 litigation strategy. Responding Party will not provide any such information.

17 Subject to and without waiver of the foregoing objections, Responding
18 Party responds as follows:

19 In addition to each defendant named in his individual capacity and
20 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
21 and the evidence submitted in support of Plaintiffs motion for class
22 certification, Responding Party identifies the following individuals: Jordan
23 Wright, Ken Claypool.

24 The request is premature. Because Blakeman and the other
25 defendants are refusing to comply with their obligations to produce
26 documents under the federal rules and are impermissibly withholding
27 evidence and/or possibly spoliating evidence, we are not able to fully
28 respond to discovery requests which necessarily rely on our ability to fully

1 investigate the facts. As discovery is continuing, CPR reserves the right to
2 update this response.

3 **INTERROGATORY NO. 5:**

4 IDENTIFY ALL PERSONS that have knowledge of any facts that
5 support your contention in paragraph 18 of the Complaint that BRANT
6 BLAKEMAN “dangerously disregard[ed] surfing rules” at any time, and for
7 each such PERSON identified state all facts you contend are within that
8 PERSON’s knowledge.

9 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

10 Responding Party objects to this interrogatory as premature. Because
11 this interrogatory seeks or necessarily relies upon a contention, and
12 because this matter is in its early stages and pretrial discovery has only just
13 begun, Responding Party is unable to provide a complete response at this
14 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
15 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
16 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
17 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
18 interrogatory need not be answered until designated discovery is complete,
19 or until a pretrial conference or some other time.”).

20 Responding Party further objects to this interrogatory as unduly
21 burdensome, harassing, and duplicative of information disclosed in
22 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
23 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
24 and supplemental disclosures for the information sought by this
25 interrogatory. Moreover, Responding Party had the opportunity to depose
26 plaintiffs on this topic.

27 Responding Party further objects to this interrogatory as compound.
28 This “interrogatory” contains multiple impermissible subparts, which

1 Propounding Party has propounded to circumvent the numerical limitations
2 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

3 Responding Party further objects to this interrogatory on the grounds
4 that it seeks information that is outside of Responding Party's knowledge.

5 Responding Party further objects to the extent that this interrogatory
6 invades attorney-client privilege and/or violates the work product doctrine by
7 compelling Responding Party to disclose privileged communications and/or
8 litigation strategy.

9 Subject to and without waiver of the foregoing objections, Responding
10 Party responds as follows:

11 In addition to each defendant named in his individual capacity and
12 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
13 and the evidence submitted in support of Plaintiffs motion for class
14 certification, Responding Party identifies the following individuals:

15 CPR believes that Blakeman engaged in a concerted effort with other
16 Bay Boys to obstruct the plaintiffs' and the publics free passage and use in
17 the customary manner of a public space. CPR also believes that Blakeman
18 coordinated with other Bay Boys to the plaintiffs and the public when they
19 were visiting Lunada Bay. CPR believes that the conduct directed at the
20 plaintiffs and others trying to surf Lunada Bay is part of an agreement
21 among Blakeman and the other Bay Boys, which at a minimum, may be
22 implied by the conduct of the parties and other members of the Bay Boys.
23 CPR believes that the Bay Boys concerted efforts to stop the public from
24 accessing the beach are documented in text messages and emails some of
25 which have been destroyed or are being withheld by the Defendants in this
26 case. For example, on February 5, 2016, Charles Mowat sent a text
27 message to Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
28 Patch, Defendant Michael Papayans and several others that said "There are

1 5 kooks standing on the bluff taking pictures...I think that same Taloa guy.
2 Things could get ugly. " A Los Angeles Times photographer captured a
3 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
4 believe that the Bay Boys take photos and/or video tape people as a form of
5 harassment and intimidation. For example, plaintiffs are also informed and
6 believe that a Lunada Bay local named Joshua Bernstein was taking pictures
7 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that
8 Bernstein told several people after he photographed them "know we know
9 who you are." The specific acts directed against the individual plaintiffs
10 include but are not limited to the following:

11 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
12 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
13 They were told that they couldn't surf there, and Spencer was called a
14 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
15 you fucking go home, you fucking kook" and asked "how many other good
16 places did you pass to come here?" These are the same types of statements
17 made by Defendant Sang Lee and others that can be observed on the video
18 published by the Guardian.¹⁰ These taunts started while Spencer and Taloa
19 were on the bluffs getting ready to surf. One individual continued to heckle
20 Spencer and Taloa on their way down to the beach and into the water.

21 Blakeman was already in the water and began paddling around
22 Spencer and Taloa in a tight circle – staying just a few feet away from them.
23 There was no legitimate reason for this conduct.¹¹ CPR believes that this is
24 _____

25 ¹⁰ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ¹¹ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
(footnote continued)

1 a tactic used by the Bay Boys to harass people. Blakeman impeded
2 Spencer's movement in any direction and was intentionally blocking him
3 from catching any waves. It was clear to Spencer that Blakeman was not
4 there to surf that morning. Instead, his mission was to prevent Spencer and
5 Taloa from surfing and to keep them from enjoying their time in the water,
6 the open space, the waves, and nature. This the type of concerted effort was
7 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
8 people from surfing at Lunada Bay. In the approximately 90 minutes that
9 Spencer was in the water that day, Blakeman was focused on Spencer and
10 Taloa and continued to shadow their movements, and sit uncomfortably
11 close to them. Spencer had never experienced anything like that before in
12 his life. It was bizarre but also incredibly frightening and disturbing. It
13 appeared to Spencer that Blakeman was coordinating his actions with a
14 group of guys who were standing in the Rock Fort, along with others in the
15 water. They were all talking to each other and it was clear they all knew
16 each other.

17 At one point while Spencer was in the water and was paddling west
18 out to the ocean, he saw a man surfing, coming in east towards the shore.
19 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
20 of the fins on his surfboard sliced open his right wrist. Spencer has about a
21 half-inch scar from where this man ran him over. As soon as the Bay Boy
22 ran him over, he started berating Spencer, saying things like "what are you
23 fucking doing out here? I told you to go home. I should have run you over.
24 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
25 was pretending that he didn't see Spencer but it was obvious that he did and
26 _____
27 _____
28 and me and Jack just sat on his ass."

1 intentionally ran him over. With over 30 years of surfing experience, Spencer
2 knew that this collision was intentional on his part. Fearful of being further
3 injured at that point, and not wanting to get into an argument with him,
4 Spencer just paddled away. Spencer and Taloa caught one more wave after
5 that and then decided it was getting too dangerous to surf. More men started
6 showing up at the Rock Fort and Spencer and Taloa were growing
7 increasingly fearful for their safety. Spencer was also bleeding and in pain.
8 These incidents are described in the declarations filed with Plaintiffs motion
9 for class certification and the deposition of Spencer.

10 CPR further identifies the following individuals as having knowledge of
11 concerted efforts by the Bay Boys, including Blakeman:

12 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
13 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
14 shadowing Spencer's movement in the water. Blakeman was in the water
15 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
16 toward Taloa, at which point Taloa told him that he was too close.
17 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
18 Taloa kept moving in the water, and Blakeman attempted to keep up with
19 him but was not in good enough shape to do so.

20 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
21 with Chris Claypool and Kenneth Claypool. He observed Blakeman
22 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
23 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
24 foot-high wave and was up riding for several seconds. Alan Johnston
25 paddled the wrong way on this wave, dropped in on him going the wrong
26 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
27 while going the wrong way violates normal surf etiquette. Johnston then
28 collided with Wright, and their leashes got tangled. After they surfaced from

1 the collision, Johnston then got close to Wright and yelled, "You had to
2 fucking take that wave, didn't you!" The next wave that came through then
3 broke Wrights leash plug and the board was carried into the rocks, which
4 destroyed a new surfboard. Wright had to swim in over rocks to get his
5 board and cut his hands on the rocks doing so. Wright is confident that
6 Johnston was attempted to purposefully injure him. What he did was
7 extremely dangerous.

8 Wright has observed Blakeman on many occasions. Blakeman is easy
9 to identify because he rides a kneeboard and he is regularly filming visitors
10 on land with a camcorder. Wright believes his filming is an effort to intimidate
11 visitors. In the water, Wright has observed what appears to be Blakeman
12 directing other Bay Boys to sit close to visiting surfers. Wright has observed
13 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
14 the visitors, impede their movements, block their surfing, kick at them,
15 splash water at them, and dangerously drop in on them. In addition to
16 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
17 Charlie Ferrara, and David Mello engage in this activity. These incidents are
18 described in the declarations filed with Plaintiffs motion for class certification.

19 Ken Claypool has been harassed and filmed by Blakeman in an
20 attempt to intimidate him at Lunada Bay on multiple occasions. In January
21 2015, Claypool and his brother Chris Claypool along with Jordan Wright
22 went to surf Lunada Bay. There were about five Lunada Bay locals in the
23 water, including Blakeman who paddled over and threatened them. Claypool
24 observed Blakeman intentionally dropped in on Wright at least twice.

25 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
26 Lunada Bay in January 2015. There were about five locals in the water,
27 including Blakeman who paddled over and was yelling "Try and catch a
28 wave and see what happens. There is no fucking way you are getting a

1 wave. Just go in. Just go. You better not cut me off.” Blakeman looked
2 possessed or possibly on drugs. His behavior got more bizarre throughout
3 the morning. He seemed to be paddling for every wave that he could
4 physically push himself into, perhaps to make a point, but he was wiping out
5 a lot and falling down the face and tumbling across the rock reef. Blakeman
6 looked dangerous to himself. When Blakeman would actually catch a wave
7 in, he would paddle back to where Claypool and his brother were sitting, and
8 continue his insane rant. On one occasion, Blakeman came less than 12
9 inches from Claypool’s ear and was screaming. It was so loud, Claypool had
10 to put his fingers in his ear to protect them from being damaged. Claypool is
11 a sound engineer and to put this in perspective, a rock concert creates about
12 120 decibels of noise - this was louder; a jet engine creates about 150
13 decibels. At one point Blakeman caught a wave and drew a line aiming right
14 at Claypool. Another Bay Boy tried the same thing and said “mother fucker”
15 as he narrowly missed Claypool’s head. Claypool watched as Blakeman
16 intentionally dropped in on Jordan at least twice. It seemed obvious to
17 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
18 them were having fun. Because this was getting dangerous, they decided to
19 leave.

20 When Claypool and his brother got out of water, they saw people
21 gathering on top of the cliff. One person was videotaping them from the top
22 of the cliff; it was clear to Claypool that he was doing this to try and
23 intimidate them. The people were watching them from the cliff. It was
24 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
25 obstruct his free passage and use in the customary manner of a public
26 space. It also seemed clear that Blakeman engaged in a concerted effort
27 with other Bay Boys to try and injure him. These incidents are described in
28 the declarations filed with Plaintiffs motion for class certification.

1 Plaintiffs are informed and believe and on that basis allege that
2 Defendant Blakeman and his attorneys are attempting to intimidate
3 witnesses in this case. On at least two occasions, an investigator hired by
4 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
5 attorneys. The investigator also showed up at the home of a reporter that
6 has not been listed as a witness.

7 The request is premature. Because Blakeman and the other
8 defendants are refusing to comply with their obligations to produce
9 documents under the federal rules and are impermissibly withholding
10 evidence and/or possibly spoliating evidence, we are not able to fully
11 respond to discovery requests which necessarily rely on our ability to fully
12 investigate the facts. As discovery is continuing, CPR reserves the right to
13 update this response.

14 **INTERROGATORY NO. 6:**

15 IDENTIFY ALL PERSONS that have knowledge of any facts that
16 support your contention that BRANT BLAKEMAN has illegally extorted
17 money from beachgoers who wish to use Lunada Bay for recreational
18 purposes (See paragraph 33 j. of the Complaint), and for each such
19 PERSON identified state all facts you contend are within that PERSON's
20 knowledge.

21 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

22 Responding Party objects to this interrogatory as premature. Because
23 this interrogatory seeks or necessarily relies upon a contention, and
24 because this matter is in its early stages and pretrial discovery has only just
25 begun, Responding Party is unable to provide a complete response at this
26 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
27 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
28 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see

1 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
2 interrogatory need not be answered until designated discovery is complete,
3 or until a pretrial conference or some other time.”).

4 Responding Party further objects to this interrogatory as unduly
5 burdensome, harassing, and duplicative of information disclosed in
6 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
7 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
8 and supplemental disclosures for the information sought by this
9 interrogatory. Moreover, Responding Party had the opportunity to depose
10 plaintiffs on this topic.

11 Responding Party further objects to this interrogatory as compound.
12 This “interrogatory” contains multiple impermissible subparts, which
13 Propounding Party has propounded to circumvent the numerical limitations
14 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

15 Responding Party further objects to this interrogatory on the grounds
16 that it seeks information that is outside of Responding Party’s knowledge.

17 Responding Party further objects to the extent that this interrogatory
18 invades attorney-client privilege and/or violates the work product doctrine by
19 compelling Responding Party to disclose privileged communications and/or
20 litigation strategy. Responding Party will not provide any such information.

21 The request is premature. Because Blakeman and the other
22 defendants are refusing to comply with their obligations to produce
23 documents under the federal rules and are impermissibly withholding
24 evidence and/or possibly spoliating evidence, we are not able to fully
25 respond to discovery requests which necessarily rely on our ability to fully
26 investigate the facts. As discovery is continuing, CPR reserves the right to
27 update this response.

28

INTERROGATORY NO. 7:

IDENTIFY ALL PERSONS that have knowledge of any facts that support your contention that BRANT BLAKEMAN was a part of a Civil Conspiracy as identified in your complaint in paragraphs 51 through 53, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Spencer on this topic.

Responding Party further objects to this interrogatory as compound. This "interrogatory" contains multiple impermissible subparts, which Propounding Party has propounded to circumvent the numerical limitations on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

1 Responding Party further objects to this interrogatory on the grounds
2 that it seeks information that is outside of Responding Party's knowledge.

3 Responding Party further objects to the extent that this interrogatory
4 invades attorney-client privilege and/or violates the work product doctrine by
5 compelling Responding Party to disclose privileged communications and/or
6 litigation strategy.

7 Subject to and without waiver of the foregoing objections, Responding
8 Party responds as follows:

9 In addition to each defendant named in his individual capacity and
10 other persons identified in Plaintiffs' initial and supplemental disclosures, and
11 the evidence submitted in support of Plaintiffs motion for class certification,
12 Responding Party identifies the following individuals:

13 CPR believes that Blakeman engaged in a concerted effort with other
14 Bay Boys to obstruct the plaintiffs' and the publics free passage and use in
15 the customary manner of a public space. CPR also believes that Blakeman
16 coordinated with other Bay Boys to the plaintiffs and the public when they
17 were visiting Lunada Bay. CPR believes that the conduct directed at the
18 plaintiffs and others trying to surf Lunada Bay is part of an agreement
19 among Blakeman and the other Bay Boys, which at a minimum, may be
20 implied by the conduct of the parties and other members of the Bay Boys.
21 CPR believes that the Bay Boys concerted efforts to stop the public from
22 accessing the beach are documented in text messages and emails some of
23 which have been destroyed or are being withheld by the Defendants in this
24 case. For example, on February 5, 2016, Charles Mowat sent a text
25 message to Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
26 Patch, Defendant Michael Papayans and several others that said "There are
27 5 kooks standing on the bluff taking pictures...I think that same Taloa guy.
28 Things could get ugly. " A Los Angeles Times photographer captured a

1 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
2 believe that the Bay Boys take photos and/or video tape people as a form of
3 harassment and intimidation. For example, plaintiffs are also informed and
4 believe that a Lunada Bay local named Joshua Bernstein was taking pictures
5 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that
6 Bernstein told several people after he photographed them "know we know
7 who you are." The specific acts directed against the individual plaintiffs
8 include but are not limited to the following:

9 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
10 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
11 They were told that they couldn't surf there, and Spencer was called a
12 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
13 you fucking go home, you fucking kook" and asked "how many other good
14 places did you pass to come here?" These are the same types of statements
15 made by Defendant Sang Lee and others that can be observed on the video
16 published by the Guardian.¹² These taunts started while Spencer and Taloa
17 were on the bluffs getting ready to surf. One individual continued to heckle
18 Spencer and Taloa on their way down to the beach and into the water.

19 Blakeman was already in the water and began paddling around
20 Spencer and Taloa in a tight circle – staying just a few feet away from them.
21 There was no legitimate reason for this conduct.¹³ CPR believes that this is
22 a tactic used by the Bay Boys to harass people. Blakeman impeded
23

24 _____
25 ¹² [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ¹³ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 Spencer's movement in any direction and was intentionally blocking him
2 from catching any waves. It was clear to Spencer that Blakeman was not
3 there to surf that morning. Instead, his mission was to prevent Spencer and
4 Taloa from surfing and to keep them from enjoying their time in the water,
5 the open space, the waves, and nature. This the type of concerted effort was
6 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
7 people from surfing at Lunada Bay. In the approximately 90 minutes that
8 Spencer was in the water that day, Blakeman was focused on Spencer and
9 Taloa and continued to shadow their movements, and sit uncomfortably
10 close to them. Spencer had never experienced anything like that before in
11 his life. It was bizarre but also incredibly frightening and disturbing. It
12 appeared to Spencer that Blakeman was coordinating his actions with a
13 group of guys who were standing in the Rock Fort, along with others in the
14 water. They were all talking to each other and it was clear they all knew
15 each other.

16 At one point while Spencer was in the water and was paddling west
17 out to the ocean, he saw a man surfing, coming in east towards the shore.
18 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
19 of the fins on his surfboard sliced open his right wrist. Spencer has about a
20 half-inch scar from where this man ran him over. As soon as the Bay Boy
21 ran him over, he started berating Spencer, saying things like "what are you
22 fucking doing out here? I told you to go home. I should have run you over.
23 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
24 was pretending that he didn't see Spencer but it was obvious that he did and
25 intentionally ran him over. With over 30 years of surfing experience, Spencer
26 knew that this collision was intentional on his part. Fearful of being further
27 injured at that point, and not wanting to get into an argument with him,
28 Spencer just paddled away. Spencer and Taloa caught one more wave after

1 that and then decided it was getting too dangerous to surf. More men started
2 showing up at the Rock Fort and Spencer and Taloa were growing
3 increasingly fearful for their safety. Spencer was also bleeding and in pain.
4 These incidents are described in the declarations filed with Plaintiffs motion
5 for class certification and the deposition of Spencer.

6 CPR further identifies the following individuals as having knowledge of
7 concerted efforts by the Bay Boys, including Blakeman:

8 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
9 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
10 shadowing Spencer's movement in the water. Blakeman was in the water
11 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
12 toward Taloa, at which point Taloa told him that he was too close.

13 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
14 Taloa kept moving in the water, and Blakeman attempted to keep up with
15 him but was not in good enough shape to do so.

16 Plaintiffs are also informed and believe that a Lunada Bay local named
17 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
18 are also informed and believe that Berstein told several people after he
19 photographed them "know we know who you are." Plaintiffs are informed
20 and believe that the Bay Boys use cameras to harass and intimidate people.
21 These incidents are described in the declarations filed with Plaintiffs motion
22 for class certification and the deposition of Taloa.

23 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
24 by Blakeman and other Lunada Bay locals on multiple occasions. On
25 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
26
27
28

1 Wright and harassed them. Blakeman was there filming the incident.¹⁴ On
2 or about February 12, 2016, The Los Angeles Times published an article
3 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
4 Commission says." Jordan Wright and Cory Spencer are quoted in the
5 article. Mr. Wright and a few others had planned to surf Lunada Bay the
6 following morning. Plaintiffs are informed and believe that Defendants
7 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
8 going to Lunada Bay and planned to be there to harass them. On February
9 12, 2016, Defendant Alan Johnston sent the following text messages to an
10 unknown recipient: "No fucking way Taloa is back this year" and "If u really
11 wanna be a bay boy we might meet help tomm." On February 13, 2016,
12 Reed and Wright returned to Lunada Bay. After Reed and Wright had
13 continued down the path, Blakeman and Defendant Alan Johnston rushed
14 into the Rock Fort where Reed was taking photos; the assault appeared to
15 be a coordinated and orchestrated and in retaliation for an article that
16 appeared in the Los Angeles Times. Blakeman was filming Reed and had
17 his camera close to her face. Reed asked why he was filming her, and
18 Blakeman responded, "Because I feel like it," and Johnston responded,
19 "Because you're hot." Charlie Ferrara was present during this incident, and
20 observed the entire thing. Although Ferrara apologized later for their
21 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
22 These incidents are described in the declarations filed with Plaintiffs motion
23 for class certification and the deposition of Reed. Plaintiffs are informed and
24

25 _____
26 ¹⁴ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 believe that after the incident Defendant Johnston started calling and/or
2 texting other Lunada Bay locals to check for police to plan a getaway. At
3 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
4 see any cops at the top." Plaintiffs are informed and believe that later that
5 day Johnston received a text from his mother asking him "What happened at
6 the bay?" Johnston replied "Nothing happened really just couple of trolls
7 they got nothing."

8 Jen Bell. The incident described above was witnessed by a woman
9 named Jen Bell who had gone to Lunada Bay that same day to photograph
10 a guy from Malibu. When she attempted sit down on the beach with her
11 pack, a man said: "You are practically sitting in a men's locker-room. You
12 don't make me feel comfortable". Bell continued to sit there for another 10
13 mins because she refused to be intimidated but decided to head over to the
14 fort because she saw another woman, Diana Reed, was taking photos. Bell
15 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
16 from the start that Johnston and Blakeman were there with the intent to
17 harass Reed. Johnston was making rude comments to both her and Reed.
18 Blakeman was putting the GoPro in their faces. Johnston was chugging
19 multiple beers and it was early in the morning. Johnston asked her to help
20 him with his wetsuit. He said "Can you help me with this?" and handed her
21 the leg of his wetsuit. Johnston made moaning sounds when she took it like
22 he was having an orgasm.

23 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
24 with Chris Claypool and Kenneth Claypool. He observed Blakeman
25 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
26 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
27 foot-high wave and was up riding for several seconds. Alan Johnston
28 paddled the wrong way on this wave, dropped in on him going the wrong

1 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
2 while going the wrong way violates normal surf etiquette. Johnston then
3 collided with Wright, and their leashes got tangled. After they surfaced from
4 the collision, Johnston then got close to Wright and yelled, "You had to
5 fucking take that wave, didn't you!" The next wave that came through then
6 broke Wrights leash plug and the board was carried into the rocks, which
7 destroyed a new surfboard. Wright had to swim in over rocks to get his
8 board and cut his hands on the rocks doing so. Wright is confident that
9 Johnston was attempted to purposefully injure him. What he did was
10 extremely dangerous.

11 Wright has observed Blakeman on many occasions. Blakeman is easy
12 to identify because he rides a kneeboard and he is regularly filming visitors
13 on land with a camcorder. Wright believes his filming is an effort to intimidate
14 visitors. In the water, Wright has observed what appears to be Blakeman
15 directing other Bay Boys to sit close to visiting surfers. Wright has observed
16 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
17 the visitors, impede their movements, block their surfing, kick at them,
18 splash water at them, and dangerously drop in on them. In addition to
19 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
20 Charlie Ferrara, and David Mello engage in this activity. These incidents are
21 described in the declarations filed with Plaintiffs motion for class certification.

22 Ken Claypool has been harassed and filmed by Blakeman in an
23 attempt to intimidate him at Lunada Bay on multiple occasions. In January
24 2015, Claypool and his brother Chris Claypool along with Jordan Wright
25 went to surf Lunada Bay. There were about five Lunada Bay locals in the
26 water, including Blakeman who paddled over and threatened them. Claypool
27 observed Blakeman intentionally dropped in on Wright at least twice.

28 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa

1 and Jordan Wright. There was a photographer from the Los Angeles Times
2 that was there. Also in attendance was Cory Spencer and Diana Reed.
3 Spencer was there to watch the cars. Blakeman was there filming in an
4 effort to intimidate visitors. Blakeman can be seen in one of the pictures
5 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
6 are informed and believe that there was a text message sent that day to
7 Papayans, Michael Theil and 11 other people stating that there were 5
8 kooks standing on the bluff taking pictures, including Taloa. The text states:
9 "Things could get ugly. We all need to surf." These incidents are described
10 in the declarations filed with Plaintiffs motion for class certification.

11 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
12 Lunada Bay in January 2015. There were about five locals in the water,
13 including Blakeman who paddled over and was yelling "Try and catch a
14 wave and see what happens. There is no fucking way you are getting a
15 wave. Just go in. Just go. You better not cut me off." Blakeman looked
16 possessed or possibly on drugs. His behavior got more bizarre throughout
17 the morning. He seemed to be paddling for every wave that he could
18 physically push himself into, perhaps to make a point, but he was wiping out
19 a lot and falling down the face and tumbling across the rock reef. Blakeman
20 looked dangerous to himself. When Blakeman would actually catch a wave
21 in, he would paddle back to where Claypool and his brother were sitting, and
22 continue his insane rant. On one occasion, Blakeman came less than 12
23 inches from Claypool's ear and was screaming. It was so loud, Claypool had
24 to put his fingers in his ear to protect them from being damaged. Claypool is
25 a sound engineer and to put this in perspective, a rock concert creates about
26 120 decibels of noise - this was louder; a jet engine creates about 150
27 decibels. At one point Blakeman caught a wave and drew a line aiming right
28 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"

1 as he narrowly missed Claypool's head. Claypool watched as Blakeman
2 intentionally dropped in on Jordan at least twice. It seemed obvious to
3 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
4 them were having fun. Because this was getting dangerous, they decided to
5 leave.

6 When Claypool and his brother got out of water, they saw people
7 gathering on top of the cliff. One person was videotaping them from the top
8 of the cliff; it was clear to Claypool that he was doing this to try and
9 intimidate them. The people were watching them from the cliff. It was
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
11 obstruct his free passage and use in the customary manner of a public
12 space. It also seemed clear that Blakeman engaged in a concerted effort
13 with other Bay Boys to try and injure him. These incidents are described in
14 the declarations filed with Plaintiffs motion for class certification.

15 Jason Gersch. While observing the surf, Gersch was approached by
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs motion for
19 class certification.

20 Plaintiffs are informed and believe and on that basis allege that
21 Defendant Blakeman and his attorneys are attempting to intimidate
22 witnesses in this case. On at least two occasions, an investigator hired by
23 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
24 attorneys. The investigator also showed up at the home of a reporter that
25 has not been listed as a witness.

26 The request is premature. Because Blakeman and the other
27 defendants are refusing to comply with their obligations to produce
28 documents under the federal rules and are impermissibly withholding

evidence and/or possibly spoliating evidence, we are not able to fully respond to discovery requests which necessarily rely on our ability to fully investigate the facts. As discovery is continuing, CPR reserves the right to update this response.

INTERROGATORY NO. 8:

IDENTIFY ALL PERSONS that have knowledge of any facts that support plaintiffs' First Cause of Action in the Complaint (Bane Act Violations) against BRANT BLAKEMAN, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose plaintiffs on this topic.

Responding Party further objects to this interrogatory as compound.

1 This "interrogatory" contains multiple impermissible subparts, which
2 Propounding Party has propounded to circumvent the numerical limitations
3 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

4 Responding Party further objects to this interrogatory on the grounds
5 that it seeks information that is outside of Responding Party's knowledge.

6 Responding Party further objects to the extent that this interrogatory
7 invades attorney-client privilege and/or violates the work product doctrine by
8 compelling Responding Party to disclose privileged communications and/or
9 litigation strategy.

10 Subject to and without waiver of the foregoing objections, Responding
11 Party responds as follows:

12 In addition to each defendant named in his individual capacity and
13 other persons identified in Plaintiffs' initial and supplemental disclosures, and
14 the evidence submitted in support of Plaintiffs motion for class certification,
15 Responding Party identifies the following individuals:

16 CPR believes that Blakeman engaged in a concerted effort with other
17 Bay Boys to obstruct the plaintiffs' and the publics free passage and use in
18 the customary manner of a public space. CPR also believes that Blakeman
19 coordinated with other Bay Boys to the plaintiffs and the public when they
20 were visiting Lunada Bay. CPR believes that the conduct directed at the
21 plaintiffs and others trying to surf Lunada Bay is part of an agreement
22 among Blakeman and the other Bay Boys, which at a minimum, may be
23 implied by the conduct of the parties and other members of the Bay Boys.
24 CPR believes that the Bay Boys concerted efforts to stop the public from
25 accessing the beach are documented in text messages and emails some of
26 which have been destroyed or are being withheld by the Defendants in this
27 case. For example, on February 5, 2016, Charles Mowat sent a text
28 message to Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy

1 Patch, Defendant Michael Papayans and several others that said "There are
2 5 kooks standing on the bluff taking pictures...I think that same Taloa guy.
3 Things could get ugly. " A Los Angeles Times photographer captured a
4 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
5 believe that the Bay Boys take photos and/or video tape people as a form of
6 harassment and intimidation. For example, plaintiffs are also informed and
7 believe that a Lunada Bay local named Joshua Bernstein was taking pictures
8 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that
9 Bernstein told several people after he photographed them "know we know
10 who you are." The specific acts directed against the individual plaintiffs
11 include but are not limited to the following:

12 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
13 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
14 They were told that they couldn't surf there, and Spencer was called a
15 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
16 you fucking go home, you fucking kook" and asked "how many other good
17 places did you pass to come here?" These are the same types of statements
18 made by Defendant Sang Lee and others that can be observed on the video
19 published by the Guardian.¹⁵ These taunts started while Spencer and Taloa
20 were on the bluffs getting ready to surf. One individual continued to heckle
21 Spencer and Taloa on their way down to the beach and into the water.

22 Blakeman was already in the water and began paddling around
23 Spencer and Taloa in a tight circle – staying just a few feet away from them.
24 There was no legitimate reason for this conduct. CPR believes that this is a

25 _____
26
27 ¹⁵ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
28 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

(footnote continued)

1 tactic used by the Bay Boys to harass people.¹⁶ Blakeman impeded
2 Spencer's movement in any direction and was intentionally blocking him
3 from catching any waves. It was clear to Spencer that Blakeman was not
4 there to surf that morning. Instead, his mission was to prevent Spencer and
5 Taloa from surfing and to keep them from enjoying their time in the water,
6 the open space, the waves, and nature. This the type of concerted effort was
7 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
8 people from surfing at Lunada Bay. In the approximately 90 minutes that
9 Spencer was in the water that day, Blakeman was focused on Spencer and
10 Taloa and continued to shadow their movements, and sit uncomfortably
11 close to them. Spencer had never experienced anything like that before in
12 his life. It was bizarre but also incredibly frightening and disturbing. It
13 appeared to Spencer that Blakeman was coordinating his actions with a
14 group of guys who were standing in the Rock Fort, along with others in the
15 water. They were all talking to each other and it was clear they all knew
16 each other.

17 At one point while Spencer was in the water and was paddling west
18 out to the ocean, he saw a man surfing, coming in east towards the shore.
19 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
20 of the fins on his surfboard sliced open his right wrist. Spencer has about a
21 half-inch scar from where this man ran him over. As soon as the Bay Boy
22 ran him over, he started berating Spencer, saying things like "what are you
23 fucking doing out here? I told you to go home. I should have run you over.
24 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
25

26
27 ¹⁶ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 was pretending that he didn't see Spencer but it was obvious that he did and
2 intentionally ran him over. With over 30 years of surfing experience, Spencer
3 knew that this collision was intentional on his part. Fearful of being further
4 injured at that point, and not wanting to get into an argument with him,
5 Spencer just paddled away. Spencer and Taloa caught one more wave after
6 that and then decided it was getting too dangerous to surf. More men started
7 showing up at the Rock Fort and Spencer and Taloa were growing
8 increasingly fearful for their safety. Spencer was also bleeding and in pain.
9 These incidents are described in the declarations filed with Plaintiffs motion
10 for class certification and the deposition of Spencer.

11 CPR further identifies the following individuals as having knowledge of
12 concerted efforts by the Bay Boys, including Blakeman:

13 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
14 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
15 shadowing Spencer's movement in the water. Blakeman was in the water
16 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
17 toward Taloa, at which point Taloa told him that he was too close.
18 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
19 Taloa kept moving in the water, and Blakeman attempted to keep up with
20 him but was not in good enough shape to do so.

21 Plaintiffs are also informed and believe that a Lunada Bay local named
22 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
23 are also informed and believe that Berstein told several people after he
24 photographed them "know we know who you are." Plaintiffs are informed
25 and believe that the Bay Boys use cameras to harass and intimidate people.
26 These incidents are described in the declarations filed with Plaintiffs motion
27 for class certification and the deposition of Taloa.

28 Diana Milena Reed. As set forth in the Complaint, Reed was harassed

1 by Blakeman and other Lunada Bay locals on multiple occasions. On
2 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
3 Wright and harassed them. Blakeman was there filming the incident.¹⁷ On
4 or about February 12, 2016, The Los Angeles Times published an article
5 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
6 Commission says." Jordan Wright and Cory Spencer are quoted in the
7 article. Mr. Wright and a few others had planned to surf Lunada Bay the
8 following morning. Plaintiffs are informed and believe that Defendants
9 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
10 going to Lunada Bay and planned to be there to harass them. On February
11 12, 2016, Defendant Alan Johnston sent the following text messages to an
12 unknown recipient: "No fucking way Taloa is back this year" and "If u really
13 wanna be a bay boy we might meet help tomm." On February 13, 2016,
14 Reed and Wright returned to Lunada Bay. After Reed and Wright had
15 continued down the path, Blakeman and Defendant Alan Johnston rushed
16 into the Rock Fort where Reed was taking photos; the assault appeared to
17 be a coordinated and orchestrated and in retaliation for an article that
18 appeared in the Los Angeles Times. Blakeman was filming Reed and had
19 his camera close to her face. Reed asked why he was filming her, and
20 Blakeman responded, "Because I feel like it," and Johnston responded,
21 "Because you're hot." Charlie Ferrara was present during this incident, and
22 observed the entire thing. Although Ferrara apologized later for their
23 behavior, he appeared to be complicit in Blakeman and Johnston's actions.

24
25
26 ¹⁷ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 These incidents are described in the declarations filed with Plaintiffs motion
2 for class certification and the deposition of Reed. Plaintiffs are informed and
3 believe that after the incident Defendant Johnston started calling and/or
4 texting other Lunada Bay locals to check for police to plan a getaway. At
5 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
6 see any cops at the top." Plaintiffs are informed and believe that later that
7 day Johnston received a text from his mother asking him "What happened at
8 the bay?" Johnston replied "Nothing happened really just couple of trolls
9 they got nothing."

10 Jen Bell. The incident described above was witnessed by a woman
11 named Jen Bell who had gone to Lunada Bay that same day to photograph
12 a guy from Malibu. When she attempted sit down on the beach with her
13 pack, a man said: "You are practically sitting in a men's locker-room. You
14 don't make me feel comfortable". Bell continued to sit there for another 10
15 mins because she refused to be intimidated but decided to head over to the
16 fort because she saw another woman, Diana Reed, was taking photos. Bell
17 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
18 from the start that Johnston and Blakeman were there with the intent to
19 harass Reed. Johnston was making rude comments to both her and Reed.
20 Blakeman was putting the GoPro in their faces. Johnston was chugging
21 multiple beers and it was early in the morning. Johnston asked her to help
22 him with his wetsuit. He said "Can you help me with this?" and handed her
23 the leg of his wetsuit. Johnston made moaning sounds when she took it like
24 he was having an orgasm.

25 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
26 with Chris Claypool and Kenneth Claypool. He observed Blakeman
27 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
28 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-

1 foot-high wave and was up riding for several seconds. Alan Johnston
2 paddled the wrong way on this wave, dropped in on him going the wrong
3 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
4 while going the wrong way violates normal surf etiquette. Johnston then
5 collided with Wright, and their leashes got tangled. After they surfaced from
6 the collision, Johnston then got close to Wright and yelled, "You had to
7 fucking take that wave, didn't you!" The next wave that came through then
8 broke Wrights leash plug and the board was carried into the rocks, which
9 destroyed a new surfboard. Wright had to swim in over rocks to get his
10 board and cut his hands on the rocks doing so. Wright is confident that
11 Johnston was attempted to purposefully injure him. What he did was
12 extremely dangerous.

13 Wright has observed Blakeman on many occasions. Blakeman is easy
14 to identify because he rides a kneeboard and he is regularly filming visitors
15 on land with a camcorder. Wright believes his filming is an effort to intimidate
16 visitors. In the water, Wright has observed what appears to be Blakeman
17 directing other Bay Boys to sit close to visiting surfers. Wright has observed
18 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
19 the visitors, impede their movements, block their surfing, kick at them,
20 splash water at them, and dangerously drop in on them. In addition to
21 Blakeman, he has seen Michae Papayans, Sang Lee, Alan Johnston,
22 Charlie Ferrara, and David Mello engage in this activity. These incidents are
23 described in the declarations filed with Plaintiffs motion for class certification.

24 Ken Claypool has been harassed and filmed by Blakeman in an
25 attempt to intimidate him at Lunada Bay on multiple occasions. In January
26 2015, Claypool and his brother Chris Claypool along with Jordan Wright
27 went to surf Lunada Bay. There were about five Lunada Bay locals in the
28 water, including Blakeman who paddled over and threatened them. Claypool

1 observed Blakeman intentionally dropped in on Wright at least twice.

2 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
3 and Jordan Wright. There was a photographer from the Los Angeles Times
4 that was there. Also in attendance was Cory Spencer and Diana Reed.
5 Spencer was there to watch the cars. Blakeman was there filming in an
6 effort to intimidate visitors. Blakeman can be seen in one of the pictures
7 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
8 are informed and believe that there was a text message sent that day to
9 Papayans, Michael Theil and 11 other people stating that there were 5
10 kooks standing on the bluff taking pictures, including Taloa. The text states:
11 "Things could get ugly. We all need to surf." These incidents are described
12 in the declarations filed with Plaintiffs motion for class certification.

13 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
14 Lunada Bay in January 2015. There were about five locals in the water,
15 including Blakeman who paddled over and was yelling "Try and catch a
16 wave and see what happens. There is no fucking way you are getting a
17 wave. Just go in. Just go. You better not cut me off." Blakeman looked
18 possessed or possibly on drugs. His behavior got more bizarre throughout
19 the morning. He seemed to be paddling for every wave that he could
20 physically push himself into, perhaps to make a point, but he was wiping out
21 a lot and falling down the face and tumbling across the rock reef. Blakeman
22 looked dangerous to himself. When Blakeman would actually catch a wave
23 in, he would paddle back to where Claypool and his brother were sitting, and
24 continue his insane rant. On one occasion, Blakeman came less than 12
25 inches from Claypool's ear and was screaming. It was so loud, Claypool had
26 to put his fingers in his ear to protect them from being damaged. Claypool is
27 a sound engineer and to put this in perspective, a rock concert creates about
28 120 decibels of noise - this was louder; a jet engine creates about 150

1 decibels. At one point Blakeman caught a wave and drew a line aiming right
2 at Claypool. Another Bay Boy tried the same thing and said “mother fucker”
3 as he narrowly missed Claypool’s head. Claypool watched as Blakeman
4 intentionally dropped in on Jordan at least twice. It seemed obvious to
5 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
6 them were having fun. Because this was getting dangerous, they decided to
7 leave.

8 When Claypool and his brother got out of water, they saw people
9 gathering on top of the cliff. One person was videotaping them from the top
10 of the cliff; it was clear to Claypool that he was doing this to try and
11 intimidate them. The people were watching them from the cliff. It was
12 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
13 obstruct his free passage and use in the customary manner of a public
14 space. It also seemed clear that Blakeman engaged in a concerted effort
15 with other Bay Boys to try and injure him. These incidents are described in
16 the declarations filed with Plaintiffs motion for class certification.

17 Jason Gersch. While observing the surf, Gersch was approached by
18 two local Bay Boys named Peter McCollum and Brant Blakeman. These
19 individuals made it known to Gersch that he could not surf there. These
20 incidents are described in the declarations filed with Plaintiffs motion for
21 class certification.

22 Plaintiffs are informed and believe and on that basis allege that
23 Defendant Blakeman and his attorneys are attempting to intimidate
24 witnesses in this case. On at least two occasions, an investigator hired by
25 Blakeman’s attorneys contacted witnesses represented by Plaintiffs’
26 attorneys. The investigator also showed up at the home of a reporter that
27 has not been listed as a witness.

28 The request is premature. Because Blakeman and the other

1 defendants are refusing to comply with their obligations to produce
2 documents under the federal rules and are impermissibly withholding
3 evidence and/or possibly spoliating evidence, we are not able to fully
4 respond to discovery requests which necessarily rely on our ability to fully
5 investigate the facts. As discovery is continuing, CPR reserves the right to
6 update this response.

7 **INTERROGATORY NO. 9:**

8 IDENTIFY ALL PERSONS that have knowledge of any facts that
9 support plaintiffs' Second Cause of Action in the Complaint (Public
10 Nuisance) against BRANT BLAKEMAN, and for each such PERSON
11 identified state all facts you contend are within that PERSON's knowledge

12 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:**

13 Responding Party objects to this interrogatory as premature. Because
14 this interrogatory seeks or necessarily relies upon a contention, and
15 because this matter is in its early stages and pretrial discovery has only just
16 begun, Responding Party is unable to provide a complete response at this
17 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
18 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
19 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
20 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
21 interrogatory need not be answered until designated discovery is complete,
22 or until a pretrial conference or some other time.").

23 Responding Party further objects to this interrogatory as unduly
24 burdensome, harassing, and duplicative of information disclosed in
25 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
26 Propounding Party may look to Responding Party's Rule 26(a) disclosures
27 and supplemental disclosures for the information sought by this
28 interrogatory. Moreover, Responding Party had the opportunity to depose

1 Spencer on this topic.

2 Responding Party further objects to this interrogatory as compound.

3 This "interrogatory" contains multiple impermissible subparts, which

4 Propounding Party has propounded to circumvent the numerical limitations

5 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

6 Responding Party further objects to this interrogatory on the grounds

7 that it seeks information that is outside of Responding Party's knowledge.

8 Responding Party further objects to the extent that this interrogatory

9 invades attorney-client privilege and/or violates the work product doctrine by

10 compelling Responding Party to disclose privileged communications and/or

11 litigation strategy.

12 Subject to and without waiver of the foregoing objections, Responding

13 Party responds as follows:

14 In addition to each defendant named in his individual capacity and

15 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,

16 and the evidence submitted in support of Plaintiffs motion for class

17 certification, Responding Party identifies the following individuals:

18 CPR believes that Blakeman engaged in a concerted effort with other

19 Bay Boys to obstruct the plaintiffs' and the publics free passage and use in

20 the customary manner of a public space. CPR also believes that Blakeman

21 coordinated with other Bay Boys to the plaintiffs and the public when they

22 were visiting Lunada Bay. CPR believes that the conduct directed at the

23 plaintiffs and others trying to surf Lunada Bay is part of an agreement

24 among Blakeman and the other Bay Boys, which at a minimum, may be

25 implied by the conduct of the parties and other members of the Bay Boys.

26 CPR believes that the Bay Boys concerted efforts to stop the public from

27 accessing the beach are documented in text messages and emails some of

28 which have been destroyed or are being withheld by the Defendants in this

1 case. For example, on February 5, 2016, Charles Mowat sent a text
2 message to Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
3 Patch, Defendant Michael Papayans and several others that said "There are
4 5 kooks standing on the bluff taking pictures...I think that same Taloa guy.
5 Things could get ugly. " A Los Angeles Times photographer captured a
6 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
7 believe that the Bay Boys take photos and/or video tape people as a form of
8 harassment and intimidation. For example, plaintiffs are also informed and
9 believe that a Lunada Bay local named Joshua Bernstein was taking pictures
10 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that
11 Bernstein told several people after he photographed them "know we know
12 who you are." The specific acts directed against the individual plaintiffs
13 include but are not limited to the following:

14 Cory Spencer and Chris Taloa went to surf Lunada Bay. Almost
15 instantly after they arrived at Lunada Bay, they started getting harassed by
16 Bay Boys. They were told that they couldn't surf there, and Spencer was
17 called a "kook," which is a derogatory surfing term. Spencer was also told:
18 "why don't you fucking go home, you fucking kook" and asked "how many
19 other good places did you pass to come here?" These are the same types of
20 statements made by Defendant Sang Lee and others that can be observed
21 on the video published by the Guardian.¹⁸ These taunts started while
22 Spencer and Taloa were on the bluffs getting ready to surf. One individual
23 continued to heckle Spencer and Taloa on their way down to the beach and
24 into the water.

25

26 _____
27 ¹⁸ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
28 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

(footnote continued)

1 Blakeman was already in the water and began paddling around
2 Spencer and Taloa in a tight circle – staying just a few feet away from them.
3 There was no legitimate reason for this conduct. CPR believes that this is a
4 tactic used by the Bay Boys to harass people.¹⁹ Blakeman impeded
5 Spencer's movement in any direction and was intentionally blocking him
6 from catching any waves. It was clear to Spencer that Blakeman was not
7 there to surf that morning. Instead, his mission was to prevent Spencer and
8 Taloa from surfing and to keep them from enjoying their time in the water,
9 the open space, the waves, and nature. This the type of concerted effort was
10 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
11 people from surfing at Lunada Bay. In the approximately 90 minutes that
12 Spencer was in the water that day, Blakeman was focused on Spencer and
13 Taloa and continued to shadow their movements, and sit uncomfortably
14 close to them. Spencer had never experienced anything like that before in
15 his life. It was bizarre but also incredibly frightening and disturbing. It
16 appeared to Spencer that Blakeman was coordinating his actions with a
17 group of guys who were standing in the Rock Fort, along with others in the
18 water. They were all talking to each other and it was clear they all knew
19 each other.

20 At one point while Spencer was in the water and was paddling west
21 out to the ocean, he saw a man surfing, coming in east towards the shore.
22 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
23 of the fins on his surfboard sliced open his right wrist. Spencer has about a
24 half-inch scar from where this man ran him over. As soon as the Bay Boy

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27 ¹⁹ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 ran him over, he started berating Spencer, saying things like "what are you
2 fucking doing out here? I told you to go home. I should have run you over.
3 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
4 was pretending that he didn't see Spencer but it was obvious that he did and
5 intentionally ran him over. With over 30 years of surfing experience, Spencer
6 knew that this collision was intentional on his part. Fearful of being further
7 injured at that point, and not wanting to get into an argument with him,
8 Spencer just paddled away. Spencer and Taloa caught one more wave after
9 that and then decided it was getting too dangerous to surf. More men started
10 showing up at the Rock Fort and Spencer and Taloa were growing
11 increasingly fearful for their safety. Spencer was also bleeding and in pain.
12 These incidents are described in the declarations filed with Plaintiffs motion
13 for class certification and the deposition of Spencer.

14 CPR further identifies the following individuals as having knowledge of
15 concerted efforts by the Bay Boys, including Blakeman:

16 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
17 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
18 shadowing Spencer's movement in the water. Blakeman was in the water
19 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
20 toward Taloa, at which point Taloa told him that he was too close.
21 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
22 Taloa kept moving in the water, and Blakeman attempted to keep up with
23 him but was not in good enough shape to do so.

24 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
25 by Blakeman and other Lunada Bay locals on multiple occasions. On
26 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
27
28

1 Wright and harassed them. Blakeman was there filming the incident.²⁰ On
2 or about February 12, 2016, The Los Angeles Times published an article
3 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
4 Commission says." Jordan Wright and Cory Spencer are quoted in the
5 article. Mr. Wright and a few others had planned to surf Lunada Bay the
6 following morning. Plaintiffs are informed and believe that Defendants
7 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
8 going to Lunada Bay and planned to be there to harass them. On February
9 12, 2016, Defendant Alan Johnston sent the following text messages to an
10 unknown recipient: "No fucking way Taloa is back this year" and "If u really
11 wanna be a bay boy we might meet help tomm." On February 13, 2016,
12 Reed and Wright returned to Lunada Bay. After Reed and Wright had
13 continued down the path, Blakeman and Defendant Alan Johnston rushed
14 into the Rock Fort where Reed was taking photos; the assault appeared to
15 be a coordinated and orchestrated and in retaliation for an article that
16 appeared in the Los Angeles Times. Blakeman was filming Reed and had
17 his camera close to her face. Reed asked why he was filming her, and
18 Blakeman responded, "Because I feel like it," and Johnston responded,
19 "Because you're hot." Charlie Ferrara was present during this incident, and
20 observed the entire thing. Although Ferrara apologized later for their
21 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
22 These incidents are described in the declarations filed with Plaintiffs motion
23 for class certification and the deposition of Reed. Plaintiffs are informed and
24

25 _____
26 ²⁰ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 believe that after the incident Defendant Johnston started calling and/or
2 texting other Lunada Bay locals to check for police to plan a getaway. At
3 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
4 see any cops at the top." Plaintiffs are informed and believe that later that
5 day Johnston received a text from his mother asking him "What happened at
6 the bay?" Johnston replied "Nothing happened really just couple of trolls
7 they got nothing."

8 Jen Bell. The incident described above was witnessed by a woman
9 named Jen Bell who had gone to Lunada Bay that same day to photograph
10 a guy from Malibu. When she attempted sit down on the beach with her
11 pack, a man said: "You are practically sitting in a men's locker-room. You
12 don't make me feel comfortable". Bell continued to sit there for another 10
13 minutes because she refused to be intimidated but eventually decided to head
14 over to the fort because she saw another woman, Diana Reed, was taking
15 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
16 was obvious from the start that Johnston and Blakeman were there with the
17 intent to harass Reed. Johnston was making rude comments to both her and
18 Reed. Blakeman was putting the GoPro in their faces. Johnston was
19 chugging multiple beers and it was early in the morning. Johnston asked her
20 to help him with his wetsuit. He said "Can you help me with this?" and
21 handed her the leg of his wetsuit. Johnston made moaning sounds when
22 she took it like he was having an orgasm.

23 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
24 with Chris Claypool and Kenneth Claypool. He observed Blakeman
25 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
26 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
27 foot-high wave and was up riding for several seconds. Alan Johnston
28 paddled the wrong way on this wave, dropped in on him going the wrong

1 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
2 while going the wrong way violates normal surf etiquette. Johnston then
3 collided with Wright, and their leashes got tangled. After they surfaced from
4 the collision, Johnston then got close to Wright and yelled, "You had to
5 fucking take that wave, didn't you!" The next wave that came through then
6 broke Wrights leash plug and the board was carried into the rocks, which
7 destroyed a new surfboard. Wright had to swim in over rocks to get his
8 board and cut his hands on the rocks doing so. Wright is confident that
9 Johnston attempted to purposefully injure him. What he did was extremely
10 dangerous.

11 Wright has observed Blakeman on many occasions. Blakeman is easy
12 to identify because he rides a kneeboard and he is regularly filming visitors
13 on land with a camcorder. Wright believes his filming is an effort to intimidate
14 visitors. In the water, Wright has observed what appears to be Blakeman
15 directing other Bay Boys to sit close to visiting surfers. Wright has observed
16 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
17 the visitors, impede their movements, block their surfing, kick at them,
18 splash water at them, and dangerously drop in on them. In addition to
19 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
20 Charlie Ferrara, and David Mello engage in this activity. These incidents are
21 described in the declarations filed with Plaintiffs motion for class certification.

22 Ken Claypool has been harassed and filmed by Blakeman in an
23 attempt to intimidate him at Lunada Bay on multiple occasions. In January
24 2015, Claypool and his brother Chris Claypool along with Jordan Wright
25 went to surf Lunada Bay. There were about five Lunada Bay locals in the
26 water, including Blakeman who paddled over and threatened them. Claypool
27 observed Blakeman intentionally dropped in on Wright at least twice.

28 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa

1 and Jordan Wright. There was a photographer from the Los Angeles Times
2 that was there. Also in attendance was Cory Spencer and Diana Reed.
3 Spencer was there to watch the cars. Blakeman was there filming in an
4 effort to intimidate visitors. Blakeman can be seen in one of the pictures
5 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
6 are informed and believe that there was a text message sent that day to
7 Papayans, Michael Theil and 11 other people stating that there were 5
8 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
9 informed that the text states: "Things could get ugly. We all need to surf."
10 These incidents are described in the declarations filed with Plaintiffs motion
11 for class certification.

12 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
13 Lunada Bay in January 2015. There were about five locals in the water,
14 including Blakeman who paddled over and was yelling "Try and catch a
15 wave and see what happens. There is no fucking way you are getting a
16 wave. Just go in. Just go. You better not cut me off." Blakeman looked
17 possessed or possibly on drugs. His behavior got more bizarre throughout
18 the morning. He seemed to be paddling for every wave that he could
19 physically push himself into, perhaps to make a point, but he was wiping out
20 a lot and falling down the face and tumbling across the rock reef. Blakeman
21 looked dangerous to himself. When Blakeman would actually catch a wave
22 in, he would paddle back to where Claypool and his brother were sitting, and
23 continue his insane rant. On one occasion, Blakeman came less than 12
24 inches from Claypool's ear and was screaming. It was so loud, Claypool had
25 to put his fingers in his ear to protect them from being damaged. Claypool is
26 a sound engineer and to put this in perspective, a rock concert creates about
27 120 decibels of noise - this was louder; a jet engine creates about 150
28 decibels. At one point Blakeman caught a wave and drew a line aiming right

1 at Claypool. Another Bay Boy tried the same thing and said “mother fucker”
2 as he narrowly missed Claypool’s head. Claypool watched as Blakeman
3 intentionally dropped in on Jordan at least twice. It seemed obvious to
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
5 them were having fun. Because of the danger, they decided to leave.

6 When Claypool and his brother got out of water, they saw people
7 gathering on top of the cliff. One person was videotaping them from the top
8 of the cliff; it was clear to Claypool that he was doing this to try and
9 intimidate them. The people were watching them from the cliff. It was
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
11 obstruct his free passage and use in the customary manner of a public
12 space. It also seemed clear that Blakeman engaged in a concerted effort
13 with other Bay Boys to try and injure him. These incidents are described in
14 the declarations filed with Plaintiffs motion for class certification.

15 Jason Gersch. While observing the surf, Gersch was approached by
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs motion for
19 class certification.

20 Plaintiffs are informed and believe and on that basis allege that
21 Defendant Blakeman and his attorneys are attempting to intimidate
22 witnesses in this case. On at least two occasions, an investigator hired by
23 Blakeman’s attorneys contacted witnesses they knew were represented by
24 Plaintiffs’ attorneys. The investigator also showed up at the home of a
25 reporter that has not been listed as a witness.

26 The request is premature. Because Blakeman and the other
27 defendants are refusing to comply with their obligations to produce
28 documents under the federal rules and are impermissibly withholding

evidence and/or possibly spoliating evidence, we are not able to fully respond to discovery requests which necessarily rely on our ability to fully investigate the facts. As discovery is continuing, CPR reserves the right to update this response.

INTERROGATORY NO. 10:

IDENTIFY ALL PERSONS that have knowledge of any facts that support plaintiffs' Sixth Cause of Action in the Complaint (Assault) against BRANT BLAKEMAN, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Spencer on this topic.

Responding Party further objects to this interrogatory as compound.

1 This "interrogatory" contains multiple impermissible subparts, which
2 Propounding Party has propounded to circumvent the numerical limitations
3 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

4 Responding Party further objects to this interrogatory on the grounds
5 that it seeks information that is outside of Responding Party's knowledge.

6 Responding Party further objects to the extent that this interrogatory
7 invades attorney-client privilege and/or violates the work product doctrine by
8 compelling Responding Party to disclose privileged communications and/or
9 litigation strategy.

10 Subject to and without waiver of the foregoing objections, Responding
11 Party responds as follows:

12 In addition to each defendant named in his individual capacity and
13 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
14 and the evidence submitted in support of Plaintiffs motion for class
15 certification, Responding Party identifies the following individuals:

16 CPR believes that Blakeman engaged in a concerted effort with other
17 Bay Boys to obstruct the plaintiffs' and the publics free passage and use in
18 the customary manner of a public space. CPR also believes that Blakeman
19 coordinated with other Bay Boys to the plaintiffs and the public when they
20 were visiting Lunada Bay. CPR believes that the conduct directed at the
21 plaintiffs and others trying to surf Lunada Bay is part of an agreement
22 among Blakeman and the other Bay Boys, which at a minimum, may be
23 implied by the conduct of the parties and other members of the Bay Boys.
24 CPR believes that the Bay Boys concerted efforts to stop the public from
25 accessing the beach are documented in text messages and emails some of
26 which have been destroyed or are being withheld by the Defendants in this
27 case. For example, on February 5, 2016, Charles Mowat sent a text
28 message to Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy

1 Patch, Defendant Michael Papayans and several others that said "There are
2 5 kooks standing on the bluff taking pictures...I think that same Taloa guy.
3 Things could get ugly. " I think he also tells someone to "get to the bay and
4 roast the kook." A Los Angeles Times photographer captured a pictured of
5 Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs believe that the
6 Bay Boys take photos and/or video tape people as a form of harassment
7 and intimidation. For example, plaintiffs are also informed and believe that a
8 Lunada Bay local named Joshua Bernstein was taking pictures at the MLK
9 2014 paddle out. Plaintiffs are also informed and believe that Bernstein told
10 several people after he photographed them "know we know who you are."
11 The specific acts directed against the individual plaintiffs include but are not
12 limited to the following:

13 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
14 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
15 They were told that they couldn't surf there, and Spencer was called a
16 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
17 you fucking go home, you fucking kook" and asked "how many other good
18 places did you pass to come here?" These are the same types of statements
19 made by Defendant Sang Lee and others that can be observed on the video
20 published by the Guardian.²¹ These taunts started while Spencer and Taloa
21 were on the bluffs getting ready to surf. One individual continued to heckle
22 Spencer and Taloa on their way down to the beach and into the water.

23 Blakeman was already in the water and began paddling around
24 Spencer and Taloa in a tight circle – staying just a few feet away from them.

25 _____
26 ²¹ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
27 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

28 (footnote continued)

1 There was no legitimate reason for this conduct. CPR believes that this is a
2 tactic used by the Bay Boys to harass people.²² Blakeman impeded
3 Spencer's movement in any direction and was intentionally blocking him
4 from catching any waves. It was clear to Spencer that Blakeman was not
5 there to surf that morning. Instead, his mission was to prevent Spencer and
6 Taloa from surfing and to keep them from enjoying their time in the water,
7 the open space, the waves, and nature. This the type of concerted effort was
8 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
9 people from surfing at Lunada Bay. In the approximately 90 minutes that
10 Spencer was in the water that day, Blakeman was focused on Spencer and
11 Taloa and continued to shadow their movements, and sit uncomfortably
12 close to them. Spencer had never experienced anything like that before in
13 his life. It was bizarre but also incredibly frightening and disturbing. It
14 appeared to Spencer that Blakeman was coordinating his actions with a
15 group of guys who were standing in the Rock Fort, along with others in the
16 water. They were all talking to each other and it was clear they all knew
17 each other.

18 At one point while Spencer was in the water and was paddling west
19 out to the ocean, he saw a man surfing, coming in east towards the shore.
20 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
21 of the fins on his surfboard sliced open his right wrist. Spencer has about a
22 half-inch scar from where this man ran him over. As soon as the Bay Boy
23 ran him over, he started berating Spencer, saying things like "what are you
24 fucking doing out here? I told you to go home. I should have run you over.

25 _____
26
27 ²² Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
2 was pretending that he didn't see Spencer but it was obvious that he did and
3 intentionally ran him over. With over 30 years of surfing experience, Spencer
4 knew that this collision was intentional on his part. Fearful of being further
5 injured at that point, and not wanting to get into an argument with him,
6 Spencer just paddled away. Spencer and Taloa caught one more wave after
7 that and then decided it was getting too dangerous to surf. More men started
8 showing up at the Rock Fort and Spencer and Taloa were growing
9 increasingly fearful for their safety. Spencer was also bleeding and in pain.
10 These incidents are described in the declarations filed with Plaintiffs motion
11 for class certification and the deposition of Spencer.

12 CPR further identifies the following individuals as having knowledge of
13 concerted efforts by the Bay Boys, including Blakeman:

14 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
15 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
16 shadowing Spencer's movement in the water. Blakeman was in the water
17 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
18 toward Taloa, at which point Taloa told him that he was too close.
19 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
20 Taloa kept moving in the water, and Blakeman attempted to keep up with
21 him but was not in good enough shape to do so.

22 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
23 by Blakeman and other Lunada Bay locals on multiple occasions. On
24 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
25 Wright and harassed them. Blakeman was there filming the incident.²³ On
26 _____

27 ²³ Plaintiffs are informed and believe that there were text message sent on
28 (footnote continued)

1 or about February 12, 2016, The Los Angeles Times published an article
2 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
3 Commission says." Jordan Wright and Cory Spencer are quoted in the
4 article. Mr. Wright and a few others had planned to surf Lunada Bay the
5 following morning. Plaintiffs are informed and believe that Defendants
6 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
7 going to Lunada Bay and planned to be there to harass them. On February
8 12, 2016, Defendant Alan Johnston sent the following text messages to an
9 unknown recipient: "No fucking way Taloa is back this year" and "If u really
10 wanna be a bay boy we might meet help tomm." On February 13, 2016,
11 Reed and Wright returned to Lunada Bay. After Reed and Wright had
12 continued down the path, Blakeman and Defendant Alan Johnston rushed
13 into the Rock Fort where Reed was taking photos; the assault appeared to
14 be a coordinated and orchestrated and in retaliation for an article that
15 appeared in the Los Angeles Times. Blakeman was filming Reed and had
16 his camera close to her face. Reed asked why he was filming her, and
17 Blakeman responded, "Because I feel like it," and Johnston responded,
18 "Because you're hot." Charlie Ferrara was present during this incident, and
19 observed the entire thing. Although Ferrara apologized later for their
20 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
21 These incidents are described in the declarations filed with Plaintiffs motion
22 for class certification and the deposition of Reed. Plaintiffs are informed and
23 believe that after the incident Defendant Johnston started calling and/or
24 texting other Lunada Bay locals to check for police to plan a getaway. At
25 _____
26 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
27 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
28 responded with a "LOL" and said he would be there.

1 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
2 see any cops at the top." Plaintiffs are informed and believe that later that
3 day Johnston received a text from his mother asking him "What happened at
4 the bay?" Johnston replied "Nothing happened really just couple of trolls
5 they got nothing."

6 Jen Bell. The incident described above was witnessed by a woman
7 named Jen Bell who had gone to Lunada Bay that same day to photograph
8 a guy from Malibu. When she attempted sit down on the beach with her
9 pack, a man said: "You are practically sitting in a men's locker-room. You
10 don't make me feel comfortable". Bell continued to sit there for another 10
11 minutes because she refused to be intimidated but eventually decided to head
12 over to the fort because she saw another woman, Diana Reed, was taking
13 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
14 was obvious from the start that Johnston and Blakeman were there with the
15 intent to harass Reed. Johnston was making rude comments to both her and
16 Reed. Blakeman was putting the GoPro in their faces. Johnston was
17 chugging multiple beers and it was early in the morning. Johnston asked her
18 to help him with his wetsuit. He said "Can you help me with this?" and
19 handed her the leg of his wetsuit. Johnston made moaning sounds when
20 she took it like he was having an orgasm.

21 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
22 with Chris Claypool and Kenneth Claypool. He observed Blakeman
23 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
24 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
25 foot-high wave and was up riding for several seconds. Alan Johnston
26 paddled the wrong way on this wave, dropped in on him going the wrong
27 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
28 while going the wrong way violates normal surf etiquette. Johnston then

1 collided with Wright, and their leashes got tangled. After they surfaced from
2 the collision, Johnston then got close to Wright and yelled, "You had to
3 fucking take that wave, didn't you!" The next wave that came through then
4 broke Wrights leash plug and the board was carried into the rocks, which
5 destroyed a new surfboard. Wright had to swim in over rocks to get his
6 board and cut his hands on the rocks doing so. Wright is confident that
7 Johnston attempted to purposefully injure him. What he did was extremely
8 dangerous.

9 Wright has observed Blakeman on many occasions. Blakeman is easy
10 to identify because he rides a kneeboard and he is regularly filming visitors
11 on land with a camcorder. Wright believes his filming is an effort to intimidate
12 visitors. In the water, Wright has observed what appears to be Blakeman
13 directing other Bay Boys to sit close to visiting surfers. Wright has observed
14 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
15 the visitors, impede their movements, block their surfing, kick at them,
16 splash water at them, and dangerously drop in on them. In addition to
17 Blakeman, he has seen Michae Papayans, Sang Lee, Alan Johnston,
18 Charlie Ferrara, and David Mello engage in this activity. These incidents are
19 described in the declarations filed with Plaintiffs motion for class certification.

20 Ken Claypool has been harassed and filmed by Blakeman in an
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the
24 water, including Blakeman who paddled over and threatened them. Claypool
25 observed Blakeman intentionally dropped in on Wright at least twice.

26 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
27 and Jordan Wright. There was a photographer from the Los Angeles Times
28 that was there. Also in attendance was Cory Spencer and Diana Reed.

1 Spencer was there to watch the cars. Blakeman was there filming in an
2 effort to intimidate visitors. Blakeman can be seen in one of the pictures
3 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
4 are informed and believe that there was a text message sent that day to
5 Papayans, Michael Theil and 11 other people stating that there were 5
6 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
7 informed that the text states: "Things could get ugly. We all need to surf."
8 These incidents are described in the declarations filed with Plaintiffs motion
9 for class certification.

10 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
11 Lunada Bay in January 2015. There were about five locals in the water,
12 including Blakeman who paddled over and was yelling "Try and catch a
13 wave and see what happens. There is no fucking way you are getting a
14 wave. Just go in. Just go. You better not cut me off." Blakeman looked
15 possessed or possibly on drugs. His behavior got more bizarre throughout
16 the morning. He seemed to be paddling for every wave that he could
17 physically push himself into, perhaps to make a point, but he was wiping out
18 a lot and falling down the face and tumbling across the rock reef. Blakeman
19 looked dangerous to himself. When Blakeman would actually catch a wave
20 in, he would paddle back to where Claypool and his brother were sitting, and
21 continue his insane rant. On one occasion, Blakeman came less than 12
22 inches from Claypool's ear and was screaming. It was so loud, Claypool had
23 to put his fingers in his ear to protect them from being damaged. Claypool is
24 a sound engineer and to put this in perspective, a rock concert creates about
25 120 decibels of noise - this was louder; a jet engine creates about 150
26 decibels. At one point Blakeman caught a wave and drew a line aiming right
27 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
28 as he narrowly missed Claypool's head. Claypool watched as Blakeman

1 intentionally dropped in on Jordan at least twice. It seemed obvious to
2 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
3 them were having fun. Because of the danger, they decided to leave.

4 When Claypool and his brother got out of water, they saw people
5 gathering on top of the cliff. One person was videotaping them from the top
6 of the cliff; it was clear to Claypool that he was doing this to try and
7 intimidate them. The people were watching them from the cliff. It was
8 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
9 obstruct his free passage and use in the customary manner of a public
10 space. It also seemed clear that Blakeman engaged in a concerted effort
11 with other Bay Boys to try and injure him. These incidents are described in
12 the declarations filed with Plaintiffs motion for class certification.

13 Jason Gersch. While observing the surf, Gersch was approached by
14 two local Bay Boys named Peter McCollum and Brant Blakeman. These
15 individuals made it known to Gersch that he could not surf there. These
16 incidents are described in the declarations filed with Plaintiffs motion for
17 class certification.

18 Plaintiffs are informed and believe and on that basis allege that
19 Defendant Blakeman and his attorneys are attempting to intimidate
20 witnesses in this case. On at least two occasions, an investigator hired by
21 Blakeman's attorneys contacted witnesses they knew were represented by
22 Plaintiffs' attorneys. The investigator also showed up at the home of a
23 reporter that has not been listed as a witness.

24 The request is premature. Because Blakeman and the other
25 defendants are refusing to comply with their obligations to produce
26 documents under the federal rules and are impermissibly withholding
27 evidence and/or possibly spoliating evidence, we are not able to fully
28 respond to discovery requests which necessarily rely on our ability to fully

1 investigate the facts. As discovery is continuing, CPR reserves the right to
2 update this response.

3 **INTERROGATORY NO. 11:**

4 IDENTIFY ALL PERSONS that have knowledge of any facts that
5 support plaintiffs' Seventh Cause of Action in the Complaint (Battery) against
6 BRANT BLAKEMAN, and for each such PERSON identified state all facts
7 you contend are within that PERSON's knowledge.

8 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

9 Responding Party objects to this interrogatory as premature. Because
10 this interrogatory seeks or necessarily relies upon a contention, and
11 because this matter is in its early stages and pretrial discovery has only just
12 begun, Responding Party is unable to provide a complete response at this
13 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
14 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
15 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
16 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
17 interrogatory need not be answered until designated discovery is complete,
18 or until a pretrial conference or some other time.").

19 Responding Party further objects to this interrogatory as unduly
20 burdensome, harassing, and duplicative of information disclosed in
21 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
22 Propounding Party may look to Responding Party's Rule 26(a) disclosures
23 and supplemental disclosures for the information sought by this
24 interrogatory. Moreover, Responding Party had the opportunity to depose
25 Spencer on this topic.

26 Responding Party further objects to this interrogatory as compound.
27 This "interrogatory" contains multiple impermissible subparts, which
28 Propounding Party has propounded to circumvent the numerical limitations

1 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

2 Responding Party further objects to this interrogatory on the grounds
3 that it seeks information that is outside of Responding Party's knowledge.

4 Responding Party further objects to the extent that this interrogatory
5 invades attorney-client privilege and/or violates the work product doctrine by
6 compelling Responding Party to disclose privileged communications and/or
7 litigation strategy.

8 Subject to and without waiver of the foregoing objections, Responding
9 Party responds as follows:

10 In addition to each defendant named in his individual capacity and
11 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
12 and the evidence submitted in support of Plaintiffs motion for class
13 certification, Responding Party identifies the following individuals:

14 CPR believes that Blakeman engaged in a concerted effort with other
15 Bay Boys to obstruct the plaintiffs' and the publics free passage and use in
16 the customary manner of a public space. CPR also believes that Blakeman
17 coordinated with other Bay Boys to the plaintiffs and the public when they
18 were visiting Lunada Bay. CPR believes that the conduct directed at the
19 plaintiffs and others trying to surf Lunada Bay is part of an agreement
20 among Blakeman and the other Bay Boys, which at a minimum, may be
21 implied by the conduct of the parties and other members of the Bay Boys.
22 CPR believes that the Bay Boys concerted efforts to stop the public from
23 accessing the beach are documented in text messages and emails some of
24 which have been destroyed or are being withheld by the Defendants in this
25 case. For example, on February 5, 2016, Charles Mowat sent a text
26 message to Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
27 Patch, Defendant Michael Papayans and several others that said "There are
28 5 kooks standing on the bluff taking pictures...I think that same Taloa guy.

1 Things could get ugly." A Los Angeles Times photographer captured a
2 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
3 believe that the Bay Boys take photos and/or video tape people as a form of
4 harassment and intimidation. For example, plaintiffs are also informed and
5 believe that a Lunada Bay local named Joshua Bernstein was taking pictures
6 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that
7 Bernstein told several people after he photographed them "know we know
8 who you are." The specific acts directed against the individual plaintiffs
9 include but are not limited to the following:

10 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
11 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
12 They were told that they couldn't surf there, and Spencer was called a
13 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
14 you fucking go home, you fucking kook" and asked "how many other good
15 places did you pass to come here?" These are the same types of statements
16 made by Defendant Sang Lee and others that can be observed on the video
17 published by the Guardian.²⁴ These taunts started while Spencer and Taloa
18 were on the bluffs getting ready to surf. One individual continued to heckle
19 Spencer and Taloa on their way down to the beach and into the water.

20 Blakeman was already in the water and began paddling around
21 Spencer and Taloa in a tight circle – staying just a few feet away from them.
22 There was no legitimate reason for this conduct. CPR believes that this is a
23 tactic used by the Bay Boys to harass people.²⁵ Blakeman impeded
24 _____

25 ²⁴ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ²⁵ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
(footnote continued)

1 Spencer's movement in any direction and was intentionally blocking him
2 from catching any waves. It was clear to Spencer that Blakeman was not
3 there to surf that morning. Instead, his mission was to prevent Spencer and
4 Taloa from surfing and to keep them from enjoying their time in the water,
5 the open space, the waves, and nature. This the type of concerted effort was
6 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
7 people from surfing at Lunada Bay. In the approximately 90 minutes that
8 Spencer was in the water that day, Blakeman was focused on Spencer and
9 Taloa and continued to shadow their movements, and sit uncomfortably
10 close to them. Spencer had never experienced anything like that before in
11 his life. It was bizarre but also incredibly frightening and disturbing. It
12 appeared to Spencer that Blakeman was coordinating his actions with a
13 group of guys who were standing in the Rock Fort, along with others in the
14 water. They were all talking to each other and it was clear they all knew
15 each other.

16 At one point while Spencer was in the water and was paddling west
17 out to the ocean, he saw a man surfing, coming in east towards the shore.
18 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
19 of the fins on his surfboard sliced open his right wrist. Spencer has about a
20 half-inch scar from where this man ran him over. As soon as the Bay Boy
21 ran him over, he started berating Spencer, saying things like "what are you
22 fucking doing out here? I told you to go home. I should have run you over.
23 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
24 was pretending that he didn't see Spencer but it was obvious that he did and
25 intentionally ran him over. With over 30 years of surfing experience, Spencer
26

27 _____
28 and me and Jack just sat on his ass."

1 knew that this collision was intentional on his part. Fearful of being further
2 injured at that point, and not wanting to get into an argument with him,
3 Spencer just paddled away. Spencer and Taloa caught one more wave after
4 that and then decided it was getting too dangerous to surf. More men started
5 showing up at the Rock Fort and Spencer and Taloa were growing
6 increasingly fearful for their safety. Spencer was also bleeding and in pain.
7 These incidents are described in the declarations filed with Plaintiffs motion
8 for class certification and the deposition of Spencer.

9 CPR further identifies the following individuals as having knowledge of
10 concerted efforts by the Bay Boys, including Blakeman:

11 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
12 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
13 shadowing Spencer's movement in the water. Blakeman was in the water
14 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
15 toward Taloa, at which point Taloa told him that he was too close.
16 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
17 Taloa kept moving in the water, and Blakeman attempted to keep up with
18 him but was not in good enough shape to do so.

19 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
20 by Blakeman and other Lunada Bay locals on multiple occasions. On
21 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
22 Wright and harassed them. Blakeman was there filming the incident.²⁶ On
23 or about February 12, 2016, The Los Angeles Times published an article
24

25 _____
26 ²⁶ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
2 Commission says." Jordan Wright and Cory Spencer are quoted in the
3 article. Mr. Wright and a few others had planned to surf Lunada Bay the
4 following morning. Plaintiffs are informed and believe that Defendants
5 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
6 going to Lunada Bay and planned to be there to harass them. On February
7 12, 2016, Defendant Alan Johnston sent the following text messages to an
8 unknown recipient: "No fucking way Taloa is back this year" and "If u really
9 wanna be a bay boy we might meet help tomm." On February 13, 2016,
10 Reed and Wright returned to Lunada Bay. After Reed and Wright had
11 continued down the path, Blakeman and Defendant Alan Johnston rushed
12 into the Rock Fort where Reed was taking photos; the assault appeared to
13 be a coordinated and orchestrated and in retaliation for an article that
14 appeared in the Los Angeles Times. Blakeman was filming Reed and had
15 his camera close to her face. Reed asked why he was filming her, and
16 Blakeman responded, "Because I feel like it," and Johnston responded,
17 "Because you're hot." Charlie Ferrara was present during this incident, and
18 observed the entire thing. Although Ferrara apologized later for their
19 behavior, he appeared to be complicit in Blakeman and Johnston's actions.
20 These incidents are described in the declarations filed with Plaintiffs motion
21 for class certification and the deposition of Reed. Plaintiffs are informed and
22 believe that after the incident Defendant Johnston started calling and/or
23 texting other Lunada Bay locals to check for police to plan a getaway. At
24 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
25 see any cops at the top." Plaintiffs are informed and believe that later that
26 day Johnston received a text from his mother asking him "What happened at
27 the bay?" Johnston replied "Nothing happened really just couple of trolls
28 they got nothing."

1 Jen Bell. The incident described above was witnessed by a woman
2 named Jen Bell who had gone to Lunada Bay that same day to photograph
3 a guy from Malibu. When she attempted sit down on the beach with her
4 pack, a man said: "You are practically sitting in a men's locker-room. You
5 don't make me feel comfortable". Bell continued to sit there for another 10
6 minutes because she refused to be intimidated but eventually decided to head
7 over to the fort because she saw another woman, Diana Reed, was taking
8 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
9 was obvious from the start that Johnston and Blakeman were there with the
10 intent to harass Reed. Johnston was making rude comments to both her and
11 Reed. Blakeman was putting the GoPro in their faces. Johnston was
12 chugging multiple beers and it was early in the morning. Johnston asked her
13 to help him with his wetsuit. He said "Can you help me with this?" and
14 handed her the leg of his wetsuit. Johnston made moaning sounds when
15 she took it like he was having an orgasm.

16 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
17 with Chris Claypool and Kenneth Claypool. He observed Blakeman
18 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
19 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
20 foot-high wave and was up riding for several seconds. Alan Johnston
21 paddled the wrong way on this wave, dropped in on him going the wrong
22 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
23 while going the wrong way violates normal surf etiquette. Johnston then
24 collided with Wright, and their leashes got tangled. After they surfaced from
25 the collision, Johnston then got close to Wright and yelled, "You had to
26 fucking take that wave, didn't you!" The next wave that came through then
27 broke Wrights leash plug and the board was carried into the rocks, which
28 destroyed a new surfboard. Wright had to swim in over rocks to get his

1 board and cut his hands on the rocks doing so. Wright is confident that
2 Johnston attempted to purposefully injure him. What he did was extremely
3 dangerous.

4 Wright has observed Blakeman on many occasions. Blakeman is easy
5 to identify because he rides a kneeboard and he is regularly filming visitors
6 on land with a camcorder. Wright believes his filming is an effort to intimidate
7 visitors. In the water, Wright has observed what appears to be Blakeman
8 directing other Bay Boys to sit close to visiting surfers. Wright has observed
9 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
10 the visitors, impede their movements, block their surfing, kick at
11 them, splash water at them, and dangerously drop in on them. In addition to
12 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
13 Charlie Ferrara, and David Mello engage in this activity. These incidents are
14 described in the declarations filed with Plaintiffs motion for class certification.

15 Ken Claypool has been harassed and filmed by Blakeman in an
16 attempt to intimidate him at Lunada Bay on multiple occasions. In January
17 2015, Claypool and his brother Chris Claypool along with Jordan Wright
18 went to surf Lunada Bay. There were about five Lunada Bay locals in the
19 water, including Blakeman who paddled over and threatened them. Claypool
20 observed Blakeman intentionally dropped in on Wright at least twice.

21 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
22 and Jordan Wright. There was a photographer from the Los Angeles Times
23 that was there. Also in attendance was Cory Spencer and Diana Reed.
24 Spencer was there to watch the cars. Blakeman was there filming in an
25 effort to intimidate visitors. Blakeman can be seen in one of the pictures
26 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
27 are informed and believe that there was a text message sent that day to
28 Papayans, Michael Theil and 11 other people stating that there were 5

1 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
2 informed that the text states: "Things could get ugly. We all need to surf."
3 These incidents are described in the declarations filed with Plaintiffs motion
4 for class certification.

5 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
6 Lunada Bay in January 2015. There were about five locals in the water,
7 including Blakeman who paddled over and was yelling "Try and catch a
8 wave and see what happens. There is no fucking way you are getting a
9 wave. Just go in. Just go. You better not cut me off." Blakeman looked
10 possessed or possibly on drugs. His behavior got more bizarre throughout
11 the morning. He seemed to be paddling for every wave that he could
12 physically push himself into, perhaps to make a point, but he was wiping out
13 a lot and falling down the face and tumbling across the rock reef. Blakeman
14 looked dangerous to himself. When Blakeman would actually catch a wave
15 in, he would paddle back to where Claypool and his brother were sitting, and
16 continue his insane rant. On one occasion, Blakeman came less than 12
17 inches from Claypool's ear and was screaming. It was so loud, Claypool had
18 to put his fingers in his ear to protect them from being damaged. Claypool is
19 a sound engineer and to put this in perspective, a rock concert creates about
20 120 decibels of noise - this was louder; a jet engine creates about 150
21 decibels. At one point Blakeman caught a wave and drew a line aiming right
22 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
23 as he narrowly missed Claypool's head. Claypool watched as Blakeman
24 intentionally dropped in on Jordan at least twice. It seemed obvious to
25 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
26 them were having fun. Because of the danger, they decided to leave.

27 When Claypool and his brother got out of water, they saw people
28 gathering on top of the cliff. One person was videotaping them from the top

1 of the cliff; it was clear to Claypool that he was doing this to try and
2 intimidate them. The people were watching them from the cliff. It was
3 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
4 obstruct his free passage and use in the customary manner of a public
5 space. It also seemed clear that Blakeman engaged in a concerted effort
6 with other Bay Boys to try and injure him. These incidents are described in
7 the declarations filed with Plaintiffs motion for class certification.

8 Jason Gersch. While observing the surf, Gersch was approached by
9 two local Bay Boys named Peter McCollum and Brant Blakeman. These
10 individuals made it known to Gersch that he could not surf there. These
11 incidents are described in the declarations filed with Plaintiffs motion for
12 class certification.

13 Plaintiffs are informed and believe and on that basis allege that
14 Defendant Blakeman and his attorneys are attempting to intimidate
15 witnesses in this case. On at least two occasions, an investigator hired by
16 Blakeman's attorneys contacted witnesses they knew were represented by
17 Plaintiffs' attorneys. The investigator also showed up at the home of a
18 reporter that has not been listed as a witness. The request is premature.
19 Because Blakeman and the other defendants are refusing to comply with
20 their obligations to produce documents under the federal rules and are
21 impermissibly withholding evidence and/or possibly spoliating evidence, we
22 are not able to fully respond to discovery requests which necessarily rely on
23 our ability to fully investigate the facts. As discovery is continuing, CPR
24 reserves the right to update this response.

25 **INTERROGATORY NO. 12:**

26 IDENTIFY ALL PERSONS that have knowledge of any facts that
27 support plaintiffs' Eight Cause of Action in the Complaint (Negligence)
28 against BRANT BLAKEMAN, and for each such PERSON identified state all

1 facts you contend are within that PERSON's knowledge.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

3 Responding Party objects to this interrogatory as premature. Because
4 this interrogatory seeks or necessarily relies upon a contention, and
5 because this matter is in its early stages and pretrial discovery has only just
6 begun, Responding Party is unable to provide a complete response at this
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
10 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
11 interrogatory need not be answered until designated discovery is complete,
12 or until a pretrial conference or some other time.").

13 Responding Party further objects to this interrogatory as unduly
14 burdensome, harassing, and duplicative of information disclosed in
15 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
16 Propounding Party may look to Responding Party's Rule 26(a) disclosures
17 and supplemental disclosures for the information sought by this
18 interrogatory. Moreover, Responding Party had the opportunity to depose
19 Spencer on this topic.

20 Responding Party further objects to this interrogatory as compound.
21 This "interrogatory" contains multiple impermissible subparts, which
22 Propounding Party has propounded to circumvent the numerical limitations
23 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

24 Responding Party further objects to this interrogatory on the grounds
25 that it seeks information that is outside of Responding Party's knowledge.

26 Responding Party further objects to the extent that this interrogatory
27 invades attorney-client privilege and/or violates the work product doctrine by
28 compelling Responding Party to disclose privileged communications and/or

1 litigation strategy.

2 Subject to and without waiver of the foregoing objections, Responding
3 Party responds as follows:

4 In addition to each defendant named in his individual capacity and
5 other persons identified in Plaintiffs' initial and supplemental disclosures, and
6 the evidence submitted in support of Plaintiffs motion for class certification,
7 Responding Party identifies the following individuals:

8 CPR believes that Blakeman engaged in a concerted effort with other
9 Bay Boys to obstruct the plaintiffs' and the publics free passage and use in
10 the customary manner of a public space. CPR also believes that Blakeman
11 coordinated with other Bay Boys to the plaintiffs and the public when they
12 were visiting Lunada Bay. CPR believes that the conduct directed at the
13 plaintiffs and others trying to surf Lunada Bay is part of an agreement
14 among Blakeman and the other Bay Boys, which at a minimum, may be
15 implied by the conduct of the parties and other members of the Bay Boys.
16 CPR believes that the Bay Boys concerted efforts to stop the public from
17 accessing the beach are documented in text messages and emails some of
18 which have been destroyed or are being withheld by the Defendants in this
19 case. For example, on February 5, 2016, Charles Mowat sent a text
20 message to Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
21 Patch, Defendant Michael Papayans and several others that said "There are
22 5 kooks standing on the bluff taking pictures...I think that same Taloa guy.
23 Things could get ugly. " A Los Angeles Times photographer captured a
24 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
25 believe that the Bay Boys take photos and/or video tape people as a form of
26 harassment and intimidation. For example, plaintiffs are also informed and
27 believe that a Lunada Bay local named Joshua Bernstein was taking pictures
28 at the MLK 2014 paddle out. Plaintiffs are also informed and believe that

1 Bernstein told several people after he photographed them “know we know
2 who you are.” The specific acts directed against CPR include but are not
3 limited to the following:

4 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
5 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
6 They were told that they couldn't surf there, and Spencer was called a
7 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
8 you fucking go home, you fucking kook" and asked "how many other good
9 places did you pass to come here?" These are the same types of statements
10 made by Defendant Sang Lee and others that can be observed on the video
11 published by the Guardian.²⁷ These taunts started while Spencer and Taloa
12 were on the bluffs getting ready to surf. One individual continued to heckle
13 Spencer and Taloa on their way down to the beach and into the water.

14 Blakeman was already in the water and began paddling around
15 Spencer and Taloa in a tight circle – staying just a few feet away from them.
16 There was no legitimate reason for this conduct. CPR believes that this is a
17 tactic used by the Bay Boys to harass people.²⁸ Blakeman impeded
18 Spencer's movement in any direction and was intentionally blocking him
19 from catching any waves. It was clear to Spencer that Blakeman was not
20 there to surf that morning. Instead, his mission was to prevent Spencer and
21 Taloa from surfing and to keep them from enjoying their time in the water,
22 the open space, the waves, and nature. This the type of concerted effort was
23

24 _____
25 ²⁷[https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ²⁸ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: “We just had a kook out in the water
and me and Jack just sat on his ass.”

1 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
2 people from surfing at Lunada Bay. In the approximately 90 minutes that
3 Spencer was in the water that day, Blakeman was focused on Spencer and
4 Taloa and continued to shadow their movements, and sit uncomfortably
5 close to them. Spencer had never experienced anything like that before in
6 his life. It was bizarre but also incredibly frightening and disturbing. It
7 appeared to Spencer that Blakeman was coordinating his actions with a
8 group of guys who were standing in the Rock Fort, along with others in the
9 water. They were all talking to each other and it was clear they all knew
10 each other.

11 At one point while Spencer was in the water and was paddling west
12 out to the ocean, he saw a man surfing, coming in east towards the shore.
13 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
14 of the fins on his surfboard sliced open his right wrist. Spencer has about a
15 half-inch scar from where this man ran him over. As soon as the Bay Boy
16 ran him over, he started berating Spencer, saying things like "what are you
17 fucking doing out here? I told you to go home. I should have run you over.
18 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
19 was pretending that he didn't see Spencer but it was obvious that he did and
20 intentionally ran him over. With over 30 years of surfing experience, Spencer
21 knew that this collision was intentional on his part. Fearful of being further
22 injured at that point, and not wanting to get into an argument with him,
23 Spencer just paddled away. Spencer and Taloa caught one more wave after
24 that and then decided it was getting too dangerous to surf. More men started
25 showing up at the Rock Fort and Spencer and Taloa were growing
26 increasingly fearful for their safety. Spencer was also bleeding and in pain.
27 These incidents are described in the declarations filed with Plaintiffs motion
28 for class certification and the deposition of Spencer.

1 CPR further identifies the following individuals as having knowledge of
2 concerted efforts by the Bay Boys, including Blakeman:

3 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
4 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
5 shadowing Spencer's movement in the water. Blakeman was in the water
6 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
7 toward Taloa, at which point Taloa told him that he was too close.
8 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
9 Taloa kept moving in the water, and Blakeman attempted to keep up with
10 him but was not in good enough shape to do so.

11 Plaintiffs are also informed and believe that a Lunada Bay local named
12 Joshua Bernstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
13 are also informed and believe that Bernstein told several people after he
14 photographed them "know we know who you are." Plaintiffs are informed
15 and believe that the Bay Boys use cameras to harass and intimidate people.
16 These incidents are described in the declarations filed with Plaintiffs motion
17 for class certification and the deposition of Taloa.

18 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
19 by Blakeman and other Lunada Bay locals on multiple occasions. On
20 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
21 Wright and harassed them. Blakeman was there filming the incident.²⁹ On
22 or about February 12, 2016, The Los Angeles Times published an article
23 called "Bay Boys surfer gang cannot block access to upscale beach, Coastal
24

25 _____
26 ²⁹ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 Commission says.” Jordan Wright and Cory Spencer are quoted in the
2 article. Mr. Wright and a few others had planned to surf Lunada Bay the
3 following morning. Plaintiffs are informed and believe that Defendants
4 Johnston and Blakeman learned that Jordan Wright and Diana Reed were
5 going to Lunada Bay and planned to be there to harass them. On February
6 12, 2016, Defendant Alan Johnston sent the following text messages to an
7 unknown recipient: “No fucking way Taloa is back this year” and “If u really
8 wanna be a bay boy we might meet help tomm.” On February 13, 2016,
9 Reed and Wright returned to Lunada Bay. After Reed and Wright had
10 continued down the path, Blakeman and Defendant Alan Johnston rushed
11 into the Rock Fort where Reed was taking photos; the assault appeared to
12 be a coordinated and orchestrated and in retaliation for an article that
13 appeared in the Los Angeles Times. Blakeman was filming Reed and had
14 his camera close to her face. Reed asked why he was filming her, and
15 Blakeman responded, “Because I feel like it,” and Johnston responded,
16 “Because you’re hot.” Charlie Ferrara was present during this incident, and
17 observed the entire thing. Although Ferrara apologized later for their
18 behavior, he appeared to be complicit in Blakeman and Johnston’s actions.
19 These incidents are described in the declarations filed with Plaintiffs motion
20 for class certification and the deposition of Reed. Plaintiffs are informed and
21 believe that after the incident Defendant Johnston started calling and/or
22 texting other Lunada Bay locals to check for police to plan a getaway. At
23 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: “Don’t
24 see any cops at the top.” Plaintiffs are informed and believe that later that
25 day Johnston received a text from his mother asking him “What happened at
26 the bay?” Johnston replied “Nothing happened really just couple of trolls
27 they got nothing.”

28 Jen Bell. The incident described above was witnessed by a woman

1 named Jen Bell who had gone to Lunada Bay that same day to photograph
2 a guy from Malibu. When she attempted sit down on the beach with her
3 pack, a man said: "You are practically sitting in a men's locker-room. You
4 don't make me feel comfortable". Bell continued to sit there for another 10
5 mins because she refused to be intimidated but decided to head over to the
6 fort because she saw another woman, Diana Reed, was taking photos. Bell
7 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
8 from the start that Johnston and Blakeman were there with the intent to
9 harass Reed. Johnston was making rude comments to both her and Reed.
10 Blakeman was putting the GoPro in their faces. Johnston was chugging
11 multiple beers and it was early in the morning. Johnston asked her to help
12 him with his wetsuit. He said "Can you help me with this?" and handed her
13 the leg of his wetsuit. Johnston made moaning sounds when she took it like
14 he was having an orgasm.

15 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
16 with Chris Claypool and Kenneth Claypool. He observed Blakeman
17 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
18 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
19 foot-high wave and was up riding for several seconds. Alan Johnston
20 paddled the wrong way on this wave, dropped in on him going the wrong
21 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
22 while going the wrong way violates normal surf etiquette. Johnston then
23 collided with Wright, and their leashes got tangled. After they surfaced from
24 the collision, Johnston then got close to Wright and yelled, "You had to
25 fucking take that wave, didn't you!" The next wave that came through then
26 broke Wrights leash plug and the board was carried into the rocks, which
27 destroyed a new surfboard. Wright had to swim in over rocks to get his
28 board and cut his hands on the rocks doing so. Wright is confident that

1 Johnston was attempted to purposefully injure him. What he did was
2 extremely dangerous.

3 Wright has observed Blakeman on many occasions. Blakeman is easy
4 to identify because he rides a kneeboard and he is regularly filming visitors
5 on land with a camcorder. Wright believes his filming is an effort to intimidate
6 visitors. In the water, Wright has observed what appears to be Blakeman
7 directing other Bay Boys to sit close to visiting surfers. Wright has observed
8 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
9 the visitors, impede their movements, block their surfing, kick at them,
10 splash water at them, and dangerously drop in on them. In addition to
11 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
12 Charlie Ferrara, and David Mello engage in this activity. These incidents are
13 described in the declarations filed with Plaintiffs motion for class certification.

14 Ken Claypool has been harassed and filmed by Blakeman in an
15 attempt to intimidate him at Lunada Bay on multiple occasions. In January
16 2015, Claypool and his brother Chris Claypool along with Jordan Wright
17 went to surf Lunada Bay. There were about five Lunada Bay locals in the
18 water, including Blakeman who paddled over and threatened them. Claypool
19 observed Blakeman intentionally dropped in on Wright at least twice.

20 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
21 and Jordan Wright. There was a photographer from the Los Angeles Times
22 that was there. Also in attendance was Cory Spencer and Diana Reed.
23 Spencer was there to watch the cars. Blakeman was there filming in an
24 effort to intimidate visitors. Blakeman can be seen in one of the pictures
25 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
26 are informed and believe that there was a text message sent that day to
27 Papayans, Michael Theil and 11 other people stating that there were 5
28 kooks standing on the bluff taking pictures, including Taloa. The text states:

1 "Things could get ugly. We all need to surf." These incidents are described
2 in the declarations filed with Plaintiffs motion for class certification.

3 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
4 Lunada Bay in January 2015. There were about five locals in the water,
5 including Blakeman who paddled over and was yelling "Try and catch a
6 wave and see what happens. There is no fucking way you are getting a
7 wave. Just go in. Just go. You better not cut me off." Blakeman looked
8 possessed or possibly on drugs. His behavior got more bizarre throughout
9 the morning. He seemed to be paddling for every wave that he could
10 physically push himself into, perhaps to make a point, but he was wiping out
11 a lot and falling down the face and tumbling across the rock reef. Blakeman
12 looked dangerous to himself. When Blakeman would actually catch a wave
13 in, he would paddle back to where Claypool and his brother were sitting, and
14 continue his insane rant. On one occasion, Blakeman came less than 12
15 inches from Claypool's ear and was screaming. It was so loud, Claypool had
16 to put his fingers in his ear to protect them from being damaged. Claypool is
17 a sound engineer and to put this in perspective, a rock concert creates about
18 120 decibels of noise - this was louder; a jet engine creates about 150
19 decibels. At one point Blakeman caught a wave and drew a line aiming right
20 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
21 as he narrowly missed Claypool's head. Claypool watched as Blakeman
22 intentionally dropped in on Jordan at least twice. It seemed obvious to
23 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
24 them were having fun. Because this was getting dangerous, they decided to
25 leave.

26 When Claypool and his brother got out of water, they saw people
27 gathering on top of the cliff. One person was videotaping them from the top
28 of the cliff; it was clear to Claypool that he was doing this to try and

1 intimidate them. The people were watching them from the cliff. It was
2 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
3 obstruct his free passage and use in the customary manner of a public
4 space. It also seemed clear that Blakeman engaged in a concerted effort
5 with other Bay Boys to try and injure him. These incidents are described in
6 the declarations filed with Plaintiffs motion for class certification.

7 Jason Gersch. While observing the surf, Gersch was approached by
8 two local Bay Boys named Peter McCollum and Brant Blakeman. These
9 individuals made it known to Gersch that he could not surf there. These
10 incidents are described in the declarations filed with Plaintiffs motion for
11 class certification.

12 Plaintiffs are informed and believe and on that basis allege that
13 Defendant Blakeman and his attorneys are attempting to intimidate
14 witnesses in this case. On at least two occasions, an investigator hired by
15 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
16 attorneys. The investigator also showed up at the home of a reporter that
17 has not been listed as a witness.

18 The request is premature. Because Blakeman and the other
19 defendants are refusing to comply with their obligations to produce
20 documents under the federal rules and are impermissibly withholding
21 evidence and/or possibly spoliating evidence, we are not able to fully
22 respond to discovery requests which necessarily rely on our ability to fully
23 investigate the facts. As discovery is continuing, CPR reserves the right to
24 update this response.

1 DATED: February 24, 2017

OTTEN LAW, PC

2
3
4 By: /s/ Victor Otten

VICTOR OTTEN

KAVITA TEKCHANDANI

Attorneys for Plaintiffs

5
6 CORY SPENCER, DIANA MILENA
7 REED, and COASTAL PROTECTION
8 RANGERS, INC.
9
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VERIFICATION

I, Mark Slatten, have read PLAINTIFF California Protection Rangers
~~INTERROGATORIES~~
RESPONSE TO REQUEST FOR PRODUCTION, SET ONE,
PROPOUNDED BY DEFENDANT BRANT BLAKEMAN and know its
contents.

I am the President of Coastal Protection Rangers which is a party to
this action and I make this verification for that reason. I am informed and
believe and on that ground allege that the matters stated in the foregoing
document are true.

I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

Executed on February 24, 2017, in Murrieta,
California.



Mark Slatten

1 **PROOF OF SERVICE**

2 ***Spencer, et al. v. Lunada Bay Boys, et al.***
3 **U.S.D.C. for the Central District of California**
4 **Case No. 2:16-cv-02129-SJO (RAOx)**

5 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

6 At the time of service, I was over 18 years of age and not a party to this
7 action. I am employed in the County of Los Angeles, State of California. My
8 business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA
9 90505.

10 On February 24, 2017, I served the original or a true copy of the following
11 document(s) described as:

12 **PLAINTIFF COASTAL PROTECTION RANGERS (FURTHER)**
13 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES, SET ONE**
14 **PROPOUNDED BY DEFENDANT BLAKE BLAKEMAN**

15 on the interested parties in this action as follows:

16 **SEE ATTACHED SERVICE LIST**

17 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package
18 addressed to the persons at the addresses listed in the Service List and
19 placed the envelope for collection and mailing, following our ordinary
20 business practices. I am readily familiar with Hanson Bridgett LLP's practice
21 for collecting and processing correspondence for mailing. On the same day
22 that correspondence is placed for collection and mailing, it is deposited in
23 the ordinary course of business with the United States Postal Service, in a
24 sealed envelope with postage fully prepaid.

25 I declare under penalty of perjury under the laws of the United States of
26 America that the foregoing is true and correct and that I am employed in the
27 office of a member of the bar of this Court at whose direction the service
28 was made.

Executed on **February 24, 2017**, at Torrance, California.

/s/Victor Otten
Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

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